



# 2016 MAR 24 PM 2: 06

# AGENDA REPORT

TO:

Sabrina B. Landreth

City Administrator

FROM:

Rachel Flynn

Director, PBD

SUBJECT:

2630 Broadway (formerly Biff's Coffee

**DATE:** March 3, 2016

Shop) Appeal

Date:

City Administrator Approval

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying An Appeal By Friends of Biff's And Upholding The Planning Commission's Approval Of A Proposal To Demolish The Existing, Vacant Structure (Formerly Biff's Coffee Shop) And Construct 255 Dwelling Units Over Approximately 37,000 Square Feet Of Retail Located At 2630 Broadway, Oakland CA (Project Case No. PLN15-241), Including Adopting CEQA Exemptions (15183 & 15183.3) and Addendum (Relying On The Previously Certified 2014 Broadway Valdez District Specific Plan EIR)

# **EXECUTIVE SUMMARY**

On January 20, 2016, the Oakland Planning Commission approved case number PLN15- 241, a proposal to construct a new seven story mixed use building containing 37,000 square feet of retail and 255 dwelling units, which would demolish the vacant restaurant building (known as the former Biff's Coffee Shop) and surface parking lot ("Project"). The Project site is the entire city block bounded by Broadway, Valdez, 26th and 27th Streets and is Retail Priority Site #3A in the Broadway Valdez District Specific Plan. The January 20, 2016 Planning Commission staff report is included as Attachment A. Following the Planning Commission action, an appeal was filed challenging the approval of the Project. The appeal (PLN15-241-A01) was filed on January 29, 2016 by a group opposed to the project largely on the basis that it would demolish the historic Biff's Coffee shop and therefore the proposed project does not meet the required findings (Attachment B). Staff recommends the City Council deny the appeal and uphold the Planning Commission decision to approve the Project.

#### **BACKGROUND / LEGISLATIVE HISTORY**

The Hanover Company filed an application to develop a mixed use project at 2630 Broadway that would consist of a new seven story building containing 37,000 square feet of retail and 255 dwelling units. The proposal would require the demolition of the existing vacant one story building and surface parking lot that presently exist on the site. The existing building is the former Biff's Coffee Shop, which was constructed between 1962 and 1964. The building was

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determined to be eligible as a City landmark by virtue of a Landmarks Preservation Advisory Board determination of eligibility on January 13, 1997, which is equivalent to Heritage Property status, and is therefore considered a historic resource per the California Environmental Quality ACT (CEQA).

The project site is located within the Broadway Valdez District Specific Plan (BVDSP) area and is Retail Priority Site 3a in the plan, which envisions a large retail footprint desired for the property. The BVDSP Environmental Impact Report (EIR) contemplated the likely demolition of the structure in order to accommodate the development envisioned under the BVDSP and identified it as a significant and unavoidable impact, which was the subject of a Statement of Overriding Considerations adopted by the City Council.

This item appeared before the Landmarks Preservation Advisory Board (LPAB) on October 12, 2015, and a LPAB Subcommittee was formed to finalize details on revisions and met with the applicant, staff, and members of the public on November 2, 2015. At the subcommittee meeting, the Project architect presented proposed sketches that would revise the corner element of the building and incorporate a vertical blade element as an attempt to relate to midcentury modern architecture without trying to directly emulate it. The subcommittee members were satisfied with this approach and advised the applicant to proceed with design modifications as long as the building as a whole was tied into this design concept.

On December 9, 2015 the revised proposal appeared before the Planning Commission's Design Review Committee, during which the Committee recommended the item move forward to the full Planning Commission for consideration.

On January 20, 2016, the Planning Commission reviewed and approved the Project by a (+5, -1) vote.

On January 29, 2016 Joyce Roy, on behalf of Friends of Biff's, filed an appeal (PLN15-241-A01) of the Planning Commission approval of the Project.

## **ANALYSIS AND POLICY ALTERNATIVES**

The appellants raise two issues identified below. The appellant's full submitted arguments have been included as *Attachment B* to this report.

# Demolition Requirements Not Met Appellant Argument:

The findings necessary to permit demolition of Biff's Coffee Shop, a Historic Resource, have not been met. Specifically, the appellant contends that the required demolition findings cannot be met since the restored restaurant building could generate \$20,000 per month in rent, which is a reasonable economic return and thus finding #1 cannot be met; the analysis prepared for the project to meet finding #3 by Page & Turnbull is inadequate since they do not have the expertise and were hired by the developer; and that finding #4 cannot be met because the Friends of Biff's has demonstrated that a proposal that incorporates the existing structure can be accomplished while also developing housing and retail on the site.

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**Staff response:** Staff disagrees with the argument that the \$20,000 monthly rent would equate to a reasonable economic return since the appellant has not provided substantial evidence supporting the assertion. In fact, the \$20,000 figure was used in the economic analysis prepared for the project by a third party consultant, which concluded that the existing restaurant building would lose money even with a monthly rent of \$20,000 because of the extensive renovation costs in excess of \$3 million due to the degraded condition of the building. See **Attachment A** to the Planning Commission Staff report of January 20, 2016 for more detailed analysis of the renovation scenario.

Staff also disagrees with the argument that Page & Turnbull does not qualify as a "historic architect", because, in actuality, they are very well regarded throughout the industry and region as a firm that specializes in the rehabilitation of historic buildings. In addition, the firm was not hired by the developer, but rather was hired as a sub-consultant to the City's environmental consultant to analyze the project. Only fees to consultants are paid by the applicant, while scope, direction and management is provided by City staff.

The appellant submitted an alternative preservation scenario in which the existing restaurant building is preserved in its free standing state and restored, while a smaller new mixed use building is constructed along Broadway with a depth of 65 feet for ground floor retail and other facilities. 180 micro-units are proposed in the six floors above. No parking would be provided in this scenario other than the current surface parking. Staff disagrees that this scenario would be a suitable alternative because the City has yet to understand whether micro-units are a viable type of housing. Currently, there is one micro-unit project under construction in the area that the City allowed as a test case scenario, and it is the City's policy that no further developments of this nature shall proceed until the first proposal is analyzed for its success after construction. Moreover, the subject site is also identified as a priority development site within the Valdez Triangle, and with its Broadway frontage is an extremely important site to provide a sufficient retail footprint that is capable of attracting and accommodating an anchor retail tenant to satisfy the City's retail goals in the BVDSP. The footprint of the appellant's proposal would fall woefully short of the floor plate necessary to meet the needs of an anchor type tenant, which would ideally exceed 20,000 square feet. In addition, the Demolition Findings Report includes alternative analysis that incorporates the existing building as a freestanding restaurant, as well as a scenario that ties the building into the development project and repurposes it for a retail use—both of which were demonstrated as being economically infeasible in the record. Appellant does not provide any analysis or evidence that their proposal is economically feasible; therefore, staff finds, based upon the record, that the alternative proposal is not economically viable or feasible.

It is staff's position that the Project, as approved by the Planning Commission, does comply with the required Demolition Findings as set forth in the Planning Commission staff report of January 20, 2016 (*Attachment A*).

#### Development is Inconsistent with BVDSP

**Appellant Argument:** The proposal is at odds with the goal of the Broadway/Valdez Specific Plan. Specifically, the appellant argues that the proposed development is not consistent with

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the goal of the Broadway/Valdez Specific Plan because the intent of the plan was not to "cram" housing into every site but rather to attract retail to Oakland to increase retail sales tax dollars to the City. Further they argue that the restored Biff's would bring in considerable sales tax revenue and that the Broadway Valdez Plan emphasizes the importance of incorporating historic resources into projects.

Staff response: The primary goal and objective of the BVDSP is to attract retail development into the City to increase comparison goods retailers for local residents and stop the leakage of retail sales tax dollars to nearby cities. The City Council adopted zoning to implement the BVDSP, which requires that a certain percentage of retail square footage be provided for identified retail priority sites in order to allow for any development of residential units on these sites. The proposed project has met and exceeded this requirement by providing 37,000 square feet of retail where only 22,745 square feet is required to trigger the residential bonus. In addition, it is important to provide large floor plate retail spaces for anchor tenants at the intersections of major streets within the area to help establish the area as a retail destination. The proposed project accomplishes this objective by providing a large retail floor plate on the Broadway frontage of the site with additional smaller retailers along Valdez Street facing onto a new public plaza to be constructed as part of the proposal per the specifications of the BVDSP.

While the BVDSP does contemplate the incorporation of historic buildings into development projects, it was not adopted as an absolute mandate. For instance, there are a number of historic auto showroom buildings in the district that may work well as part of a new development as they already contain very pedestrian oriented facades that are compatible with the desired character of the district as a pedestrian oriented comparison goods shopping district. One project currently under construction at Broadway and Hawthorne is incorporating the historic façade of the auto show room into the larger development project. Other applications have also been submitted for pre-applications that incorporate the historic showroom facades into the development. Here, given the auto oriented layout of the site with the parking lot and the siting and poor condition of the Biff's building, the incorporation of the building into the development project was physically infeasible in order to accommodate a large retail floorplate and the necessary parking and loading for the other programmed uses. It is because of this issue that the demolition of the building was anticipated and addressed in the EIR for the BVDSP.

Staff believes that the Appellant has failed to show that, by reliance on evidence already contained in the record before the City Planning Commission, the Commission's decision on January 20, 2016 was made in error, that there was an abuse of discretion by the Planning Commission, or that the Commission's decision was not supported by substantial evidence in the record. As such, the Appeal should be denied and the Planning Commission decision approving the Project should be upheld.

#### **Policy Alternatives**

The following options are available to the City Council and staff could be directed to return to City Council at a future date:

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1. Deny the appeal, uphold the Planning Commission's decision, and allow the project to proceed as approved by the Planning Commission with amendments to the Conditions of Approval, solely related to the appellate issues;

- 2. Grant the appeal, reverse the Planning Commission's decision, and thereby deny the project. Under this option, the matter would return to the City Council at a future meeting for adoption of appropriate findings. The applicant would have the option of not pursuing the project or of submitting a new application to the Bureau of Planning;
- 3. Continue the item to a future meeting for further information or clarification, solely related to the appellate issues; or
- 4. Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council, solely related to the appellate issues. Under this option, the appeal would be forwarded back to the City Council for final decision.

# FISCAL IMPACT

The project involves a private development and does not request or require public funds and has no direct fiscal impact on the City of Oakland. If constructed, the project would provide a positive fiscal impact through increased property taxes, sales taxes, utility user taxes, and business license taxes, while at the same time increasing the level of municipal services that must be provided.

# **PUBLIC OUTREACH / INTEREST**

This item has appeared before a community meeting and public hearings on multiple occasions. The Project appeared before the Landmarks Preservation Advisory Board on October 12, 2015, a Landmarks Board Subcommittee on November 12, 2015, the City Planning Commission Design Review Committee on December 9, 2015, and the full Planning Commission for decision on the development application on January 20, 2016.

#### COORDINATION

The Agenda report on the appeal has been reviewed by the City Attorney's Office and the Controller's Bureau.

#### SUSTAINABLE OPPORTUNITIES

**Economic:** Allowing the development to proceed creates commercial square footage within a priority development site of the Broadway Valdez District Specific Plan area that was established by the City Council in order to create an area for comparison goods shopping for the residents of the City and region. The development of the project would increase the sales tax

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base, raise the property tax for the site due to the proposed improvements, and provide temporary construction jobs, as well as future permanent jobs within the new retail stores.

**Environmental:** Developing in already urbanized environments reduces pressure to build on agricultural and other undeveloped land. Sites near mass transit enable residents to reduce dependency on automobiles and further reduce adverse environmental impacts.

**Social Equity:** The project benefits the community by adding increased commercial and housing opportunities in the City of Oakland, as well as temporary jobs during the construction of the project and permanent jobs within the new retail stores as well.

### **CEQA**

The BVDSP EIR analyzed the environmental impacts of adoption and implementation of the BVDSP and, where the level of detail available was sufficient to adequately analyze the potential environmental effects, provided a project-level CEQA review for reasonably foreseeable development. This project-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects developed under the BVDSP.

As previously discussed, the BVDSP EIR contemplated the eventual demolition of Biff's as part of the implementation of the Specific Plan and was identified within the EIR as a Significant and Unavoidable Impact. A Statement of Overriding Consideration was adopted by the City Council upon the certification of the EIR and the adoption of the BVDSP, finding that the benefits of the Specific Plan outweighed the significant impacts to the environment, including demolition of historic resources.

A detailed CEQA Analysis document was prepared, entitled "27<sup>th</sup> & Broadway CEQA Analysis" dated December 31, 2015, which evaluates the potential project-specific environmental effects of the proposed project and whether such impacts were adequately covered by the BVDSP EIR to allow the below-listed streamlining and/or tiering provisions of CEQA to apply.

Applicable CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provide a basis for CEQA compliance.

1. Community Plan Exemption. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact."

As set out in detail in the CEQA Analysis' Attachment B, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the

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Project is consistent with the development density established by the BVDSP and analyzed in the BVDSP EIR and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the BVDSP EIR: nor are there potentially significant off-site impacts and cumulative impacts not discussed in the BVDSP EIR; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the BVDSP EIR, are now determined to present a more severe adverse impact than discussed in the BVDSP EIR. As such, no further analysis of the environmental effects of the Project is required.

Qualified Infill Exemption. Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applying development policies or standards. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.

The City finds that, pursuant to CEQA Guidelines section 15183.3, the CEQA Analysis contains in Attachment C a written analysis consistent with Appendix M to the CEQA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The contents of Attachment C documents that the Project is located in an urban area satisfying the requirements of CEQA Guidelines section 15183.3 and satisfies the applicable performance standards set forth in Appendix M to the CEQA Guidelines. It also explains how the effects of the Project were analyzed in the BVDSP EIR; and indicates that the Project incorporates all applicable mitigation measures and SCAs from the BVDSP EIR. Attachment C also determines that the Project will cause no new specific effects not analyzed in the BVDSP EIR; determines that there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the BVDSP EIR, determines that the Project will not cause new specific effects or more significant effects, and documents how uniformly applicable development policies or standards (including, without limitation, the SCAs) will mitigate environmental effects of the Project. Based upon the CEQA Analysis and other substantial evidence in the record, the City finds and determines that no further environmental analysis of the effects of the Project is required.

3. Addendum. Public Resources Code Section 21166 and CEQA Guidelines Section 15164 state that an addendum to a certified EIR is allowed when minor changes or additions are necessary and none of the conditions for preparation of a subsequent EIR or Negative Declaration pursuant to Section 15162 are satisfied.

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The City finds and determines that the CEQA Analysis constitutes an Addendum to the BVDSP EIR and that no additional environmental analysis of the Project beyond that contained in the BVDSP EIR is necessary. The City further finds that no substantial changes are proposed in the Project that would require major revisions to the BVDSP EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the BVDSP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance not known and which could not have been known with the exercise of reasonable diligence as of the time of certification of the BVDSP EIR showing that the Project will have one or more significant effects not discussed in the BVDSP EIR; significant effects previously examined will be substantially more severe than shown in the BVDSP EIR, mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or mitigation measures or alternatives which are considerably different from those analyzed in the BVDSP EIR would substantially reduce one or more significant effects on the environment.

# **Cultural Resource Mitigation Measures**

As previously mentioned, the Biff's Coffee Shop building is a CEQA historic resource. The BVDSP EIR identified the Biff's building as likely to be demolished as part of the implementation of the BVDSP and was identified within the EIR as a Significant and Unavoidable Impact. A Statement of Overriding Consideration was made by the City Council upon the certification of the EIR, finding that the benefits of the Specific Plan outweighed the significant impacts to the environment, including demolition of historic resources.

The BVDSP EIR included Mitigation Measures that are applicable to development on any site that contains a CEQA Historic Resource. Those Mitigation Measures are applicable to this project and are listed below. Please see the CEQA Analysis'-Attachment G, the document prepared for the project by ICF and Page & Turnbull entitled "Historical Mitigation Compliance Report" (HMCR). Staff has reviewed the HMCR and believes that it demonstrates appropriate compliance with the below required Mitigation Measures.

- Mitigation Measure CUL-1(a), Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.
  - Avoidance. The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers).
  - Adaptive Reuse. If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

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Appropriate Relocation. If avoidance or adaptive reuse in situ is not feasible, SCA 56, Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), shall be implemented, as required. Projects that relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact to less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance (e.g., a contributor to a historic district).

The HMCR prepared for the project included several scenarios that would have avoided or reused the existing building and thus satisfies the mitigation measure requirement. These options were shown to be economically infeasible and failed to cover their development costs. Relocation was also studied in the document, but due to the size and construction of the building it was also determined to be infeasible. Nevertheless, the SCAMMRP contains a condition requiring a 90-day notice of building availability.

### Mitigation Measure CUL-1 (c), Recordation and Public Interpretation

If Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) is determined infeasible as part of a future project, the City shall evaluate the feasibility and appropriateness of recordation and public interpretation of such resources prior to any construction activities that would directly affect them. Should the City decide that recordation and or public interpretation is required, the following activities will be performed:

- Recordation. Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires photo-documentation of historic structures, a written report, and/or measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at the Oakland Planning Department and local repositories, such as public libraries, historical societies, and/or the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Plan Area, including those that are relocated pursuant to Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource.
- O Public Interpretation. A public interpretation or art program would be developed by a qualified historic consultant or local artist in consultation with the Landmarks Preservation Advisory Board and the City, based on a City-approved scope of work, and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays that explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed and would typically be located in a publicly accessible location on or

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near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Plan Area.

Mitigation CUL-1(c) would apply to the project and will be implemented. The HABS report shall be prepared and recorded prior to demolition of the building and the proposal for the Public Interpretation shall be reviewed and approved by Planning Department's Oakland Cultural Heritage staff prior to issuance of a building permit.

# Mitigation Measure CUL-1(d), Financial Contributions

If Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and Mitigation Measure CUL-1(b) (Future Site-Specific Surveys and Evaluations) are not satisfied, the project applicant shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Plan Area or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or a Property Relocation Assistance Program.

Mitigation measure CUL-1(d) is also applicable to the proposed Project and a financial contribution in the amount of \$82,500 will be contributed into the City's façade improvement program.

As previously stated, even with implementation of the aforementioned mitigation measures, there nevertheless remains a significant and unavoidable impact on historic resources, as contemplated in the BVDSP EIR and City Council action approving the Specific Plan's Statement of Overriding Considerations.

The City Council was previously provided a copy of the 2014 BVDSP EIR and the December 31, 2015 CEQA Analysis Document was provided under separate cover for review and consideration by the City Council, and is available to the public at the Bureau of Planning office at 250 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor, Oakland, CA 94612 and on the City's website at: <a href="http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157">http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157</a>

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# ACTION REQUESTED OF THE CITY COUNCIL

1. Staff Recommends That The City Council Adopt A Resolution denying an appeal by Friends of Biff's and upholding the Planning Commission's approval of a proposal to demolish the existing, vacant structure (formerly Biff's Coffee Shop) and construct 255 dwelling units over approximately 37,000 square feet of retail located at 2630 Broadway, Oakland CA (Project Case No. PLN15-241), including adopting (CEQA) exemptions and an Addendum (relying on the previously certified 2014 Broadway Valdez District Specific Plan EIR).

For questions regarding this report, please contact Pete Vollmann, Planner III, at (510) 238-6167.

Respectfully submitted,

/Rachel Flynn

Director, Department of Planning & Building

Reviewed by:

Scott Miller, Zoning Manager

Prepared by:

Pete Vollmann, Planner III

Bureau of Planning

#### Attachments:

- A. January 20, 2016 Planning Commission Staff report
- B. January 29, 2016 Appeal by Friends of Biff's

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# ATTACHMENT A

# Oakland City Planning Commission

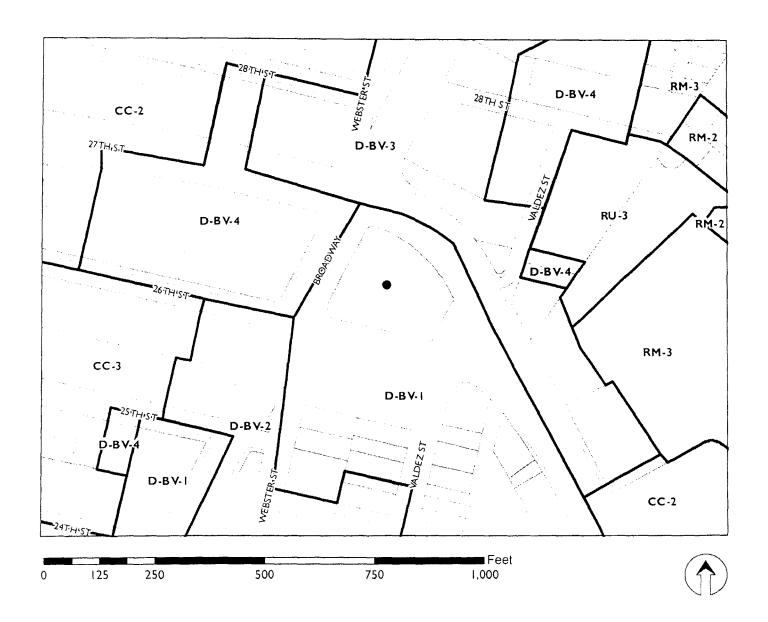
# **STAFF REPORT**

Case File Number PLN15-241

**January 20, 2016** 

Location:	2640 Broadway (See map on reverse)
Assessors Parcel Number:	009-0685-018-06
Proposal:	Proposal to construct a new seven story mixed use building containing 37,000 square feet of retail and 255 dwelling units[the proposal would demolish the vacant restaurant building (known as the former Biff's Coffee Shop) and surface parking lot. The project site is the entire city block bounded by Broadway, Valdez, 26 <sup>th</sup> and 27 <sup>th</sup> Streets and is Retail Priority Site #3A in the Broadway Valdez District Specific Plan.
Applicants	The Hanover Company
Applicant: Owner:	Scott Youdall – (925) 277-3445 Steve & Celia Simi, as Trustees of the TDK Trust
Planning Permits Required:	Regular Design Review for new construction, including demolition
•	findings; Major Conditional Use Permit to allow D-BV-1 Zone Bonuses; Minor Variance for two loading berths where four are required; and Vesting Tentative Parcel Map for new condominiums.
General Plan:	Central Business District
Zoning:	D-BV-1, Broadway Valdez District Retail Priority Sites Commercial
Environmental Determination:	Zone A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions:  15183 - Projects consistent with a community plan, general plan, or zoning;  15183.3 - Streamlining for in-fill projects; and/or  15164 - Addendum to the 2014 certified Broadway Valdez District Specific Plan EIR;  Each of which provides a separate and independent basis for CEQA compliance.
Historic Status:	CEQA Historic Resource (Heritage Property – OCHS rating: b+3)
Service Delivery District:	Metro
City Council District:	3
Action to be Taken:	Decision on Application
Staff Recommendation:	Approve with the attached conditions.
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Peterson Z. Vollmann at 510-238-6167 or by e-mail at pvollmann@oaklandnet.com.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15-241

Applicant: The Hanover Company

Address: 2630 Broadway

Zone: D-BV-I

#### SUMMARY

The Hanover Company has filed an application with the Bureau of Planning to develop a mixed use project at 2630 Broadway that would consist of a new seven story building containing 37,000 square feet of retail and 255 dwelling units. The proposal would require the demolition of the existing vacant one story building and surface parking lot that presently exist on the site. The existing building is the former Biff's Coffee Shop, which was constructed between 1962 and 1964. The building was determined to be cligible as a City landmark by virtue of a Landmarks Preservation Advisory Board determination of eligibility on January 13, 1997, which is equivalent to Heritage Property status, and is therefore a historic resource per CEQA.

The project site is located within the Broadway Valdez District Specific Plan (BVDSP) area and is Retail Priority Site 3a in the plan, which indicates a large retail footprint desired for the property. The BVDSP EIR had anticipated the likely demolition of the structure in order to accommodate the development envisioned under the specific plan and identified it as a significant and unavoidable impact.

This item appeared before the Landmarks Preservation Advisory Board (LPAB) on October 12, 2015, and a LPAB Subcommittee was formed to work out finalized details on revisions and met with the applicant, staff, and members of the public on November 2, 2015.

On December 9, 2015 the revised proposal appeared before the Design Review Committee, during which the Committee recommended the item move forward to the full Planning Commission for consideration.

Staff recommends approval, subject to the attached findings and conditions of approval.

#### PROPERTY DESCRIPTION

The project site is an approximately 47,000 square foot lot that is located in the Broadway Auto Row area of the City and is located on the entire city block at the southeast corner of the intersection of Broadway and 27<sup>th</sup> Street. The site is also bounded by 26<sup>th</sup> Street to the south and Valdez Street to the southeast. The project site contains a downslope with an approximately 12 foot grade change from the frontage along Broadway to the backside of the lot on Valdez Street. The site consists of a surface parking lot that has been used as an auto sales lot for the last 20 years and contains a shuttered building that was the former JJ's restaurant and historically referred to as the former Biff's Coffee Shop. As previously stated, the Biff's Coffee Shop building is considered a Heritage Property and is therefore a historic resource per CEQA.

# Biff's Coffee Shop

The former Biff's Coffee Shop was designed by Armet & Davis, a Los Angeles—based architecture firm that was already well known for modern automobile-age restaurants. The building was constructed between 1962 and 1964 at a cost of \$100,000 for owner Standard Oil of California simultaneous to construction of a service station on the same irregularly shaped block,

which is bounded by Broadway, 27<sup>th</sup> Street, Valdez Street, and 26<sup>th</sup> Street. Although the entire property was owned by Standard Oil, the restaurant was to be operated by Biff's, a Los Angelesbased chain.

The parcel on which both Biff's Coffee Shop and the Standard Oil station were located was formed in the 1950s from modifications that were made to the existing street grid as part of regional transportation improvements. These included construction of the Grove Shafter Freeway (State Route 24) and the Bay Area Rapid Transit (BART) system, which was planned in the late 1950s and constructed in the early 1960s. The freeway project and related local street modifications attempted to improve vehicular congestion on Oakland streets by creating connections between the older urban core and the rapidly developing suburbs to the east. As part of these improvements, local streets were modified to become intermediate feeders from freeway on- and off-ramps to the existing street grid. Affected streets in the vicinity of Biff's Coffee Shop included 27<sup>th</sup> Street, which was widened from a four-lane street to a divided boulevard from Bay Street to San Pablo Avenue, and Valdez Street, which was widened and reconfigured from Grand Avenue to 27<sup>th</sup> Street.

The former Biff's Coffee Shop is a circular reinforced concrete block structure with large plate glass windows that cover slightly more than half of the exterior. The one-story building has a 38.5-foot radius, according to the original building permit. The building is ringed by a concrete walkway with embossed diamond shapes. Original renderings show that the building, landscaping, and large sign with crossed poles were part of a carefully integrated site composition.

The interior arrangement of the coffee shop originally included a main dining room northeast of the circular building and service areas toward the southwest. A smaller banquette room (noted as Dining Room #2 on the original plans) was located in the western portion of the building, adjacent to a small vestibule that housed payphone recesses and the entrance to the restrooms.

Original custom detailing included a zigzag canopy that followed the half-circle counter, terrazzo floors, geometric wood paneling, and a central "exhibition cooking" area, which was innovative for its time. The interior was lit by recessed downlights, originally with elongated period-type pendant fixtures, throughout the dining area. The building has undergone numerous alterations since its construction. The 1972 and 1975 alterations diminished the original character of the building including installing the current shingle mansard roofing over the original roof that consisted of rough finish stucco. Despite the 1972 and 1975 alterations and the removal of various architectural elements, the northern portion of the exterior perimeter of the building is still relatively intact, however the interior elements of the building have been severely damaged and/or removed from the premises including all of the interior seating and kitchen components

The former Biff's Coffee Shop is an unusual example of a late Googie-style coffee shop in the San Francisco Bay Area. The building exhibits a number of design features that are characteristic of the Googie style, including the circular shape, "floating" appearance, orientation to the automobile, cantilevered roof, lack of traditional ornament, and use of modern materials such as concrete block and plate glass. Biff's Coffee Shop is a rare example of a circular Googie-style coffee shop in Northern California.

#### PROJECT DESCRIPTION

The proposal requires the demolition of the existing building and surrounding surface parking lot in order to construct a new seven story mixed use building that will be 85 feet in height and contain approximately 37,000 square feet of ground floor retail and 255 dwelling units. The majority of the retail will be provided along the Broadway frontage which will contain a large retail floorplate that will be able to accommodate a large anchor tenant for the area. Additional retail will be provided on the backside of the project along Valdez Street which will include a new public plaza as called out for in the BVDSP. The residential lobby will be located along the side of the building on 27<sup>th</sup> Street and the parking and loading access will be accommodated along the 26<sup>th</sup> Street side of the building.

#### GENERAL PLAN ANALYSIS

The General Plan's Land Use and Transportation Element (LUTE) classifies the project site as being located in the Central Business District (CBD) General Plan area. This land use classification is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, community facilities, and visitor uses. The CBD classification includes a mix of large-scale offices, commercial, urban high rise residential, institutional, open-space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

Among the General Plan Land Use and Transportation policies and objectives applicable to the proposed Project, and which the Project conforms with, are the following:

**Policy D10.1** – Encouraging Housing – Housing in the downtown should be encouraged as a vital component of a 24-hour community.

**Policy D10.2** – Locating Housing – Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12<sup>th</sup> Street, 19<sup>th</sup> Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.

**Policy N3.1** – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

**Policy N3.2** – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

The proposed Project is consistent/conforms with the above referenced policies and objectives and the general intent of the Central Business District land use designation by constructing a new high density residential building above a large commercial ground floor of over 37,000 square

feet on a major commercial street within the downtown core within walking distance to the 19<sup>th</sup> Street BART station.

# Broadway Valdez District Specific Plan

The BVDSP provides a vision and planning framework for future growth and development in the approximately 95 acre area along Oakland's Broadway corridor between Grand Avenue and I-580. The Specific Plan, which has been developed with a thorough analysis of the area's economic and environmental conditions and input from City decision-makers, landowners, developers, real estate experts, and the community at large, provides a comprehensive vision for the Plan Area along with goals, policies, and development regulations to guide future public and private actions relating to the area's development. The Plan also serves as the mechanism for insuring that future development will be coordinated and occur in an orderly and well-planned manner.

Among the Specific Plan goals and policies applicable to the proposed Project, and which the Project conforms with, are the following:

**BVDSP Goal LU-1**—A destination retail district that addresses the City's deficiency in comparison goods shopping and significantly reduces sales tax leakage.

**BVDSP Goal LU-8**—The establishment of the Valdez Triangle as a dynamic new retail destination that caters to the comparison shopping needs for Oakland and the broader East Bay.

**BVDSP-Policy LU-1.1**—Prioritize development and tenanting of comparison goods retailers in the Broadway Valdez District.

**BVDSP-Policy LU-1.2**—Enhance the identity and function of the Broadway Valdez District as a retail destination for Oakland and the East Bay.

BVDSP-Policy LU-1.3—Balance retail uses with a mix of residential, office, and service uses that complement and support the economic viability of the commercial core, and contribute to the creation of a new "24-hour" neighborhood with around-the-clock vitality.

**BVDSP-Policy** LU-2.1 – Establish the Broadway Valdez District as an attractive pedestrian and transit oriented, mixed use neighborhood with a core of retail and complementary commercial uses.

**BVDSP-Policy** LU-4.1—Encourage the gradual transition of the Plan Area toward uses that will contribute to the creation of a vibrant, pedestrian-oriented, mixed-use district.

BVDSP-Policy LU-8.1—Promote the development of the Valdez Triangle as a dynamic pedestrian-oriented retail district within a mixed use setting that includes a complementary mix of retail, office, entertainment, and residential uses.

**BVDSP-Policy LU-8.3**—Broadway, Valdez Street, 24<sup>th</sup> Street, 23<sup>rd</sup> Street, and 27<sup>th</sup> Street will be the primary shopping streets that give structure to the retail district and physically integrate the Triangle with adjacent areas by providing active retail frontages and pedestrian-friendly streetscapes that extend along both sides of these key streets.

**BVDSP-Policy LU-8.4**—The land use concept for the Valdez Triangle is to have a core of comparison goods retail complemented with local-serving retail, dining, entertainment, office, and service uses.

**BVDSP-Policy** LU-8.5—The Valdez Triangle is intended to be a unique shopping district with an authentic Oakland character that includes a mix of local and national retailers.

**BVDSP-Policy LU-8.6**—The Valdez Triangle will feature street-oriented retail in an attractive pedestrian-oriented environment that includes vibrant, active sidewalks, and safe and attractive public spaces.

**BVDSP-Policy LU-9.2**—The intent is to promote a complementary mix of retail, office, entertainment, and residential uses that creates a vibrant urban corridor that is active both day and night, and on weekdays and weekends.

The Project is consistent/conforms with the above mentioned goals and policies by creating a new, mixed use development located in a retail priority site of the Valdez Triangle. The proposal will contain an active ground floor commercial presence with more than 37,000 square feet of new retail space that will promote a vibrant, pedestrian-oriented environment for Broadway and Valdez Street. The new retail square footage fronting on Broadway will contain a large floorplate that will be able to accommodate an anchor tenant for the district. The proposal will include the reconfiguration of 27<sup>th</sup> and Valdez to implement the pedestrian plaza at that location as envisioned by the Specific Plan. The Project also will create high density, upper level residential uses that will be in close proximity to transit access and help to create a 24-hour neighborhood.

#### ZONING ANALYSIS

The subject property is located within the D-BV-1, Broadway Valdez District Retail Priority Sites Commercial Zone (Retail Priority Site 3a), and is within a 45 Height/Intensity Area. The intent of the D-BV-1 zone is to establish Retail Priority Sites in the Plan area in order to encourage a core of comparison goods retail with a combination of small, medium, and large scale retail stores. Priority Sites 3 and 5 are further divided into subareas a, b, and c and Priority Site 4 into subareas a and b, as shown in the Height Area Map. Each Retail Priority Site and subarea has a specified minimum square footage of retail required prior to residential or transient habitation activities and facilities being permitted.

#### **Density & Height Bonuses**

The Project site is located within Priority Site 3a, which calls for a minimum retail of 22,745 square feet prior to the allowance of any residential units or height bonus above 45 feet. A proposal with 22,745 square feet (50% of the site area) of retail may permit a maximum of one

dwelling unit per 125 square feet of retail provided, which would allow for 181 units. A proposal that includes retail square footage of 27.293 or more (60% of the site area) would allow for dwelling units at a ratio of one dwelling per 100 square feet of retail provided. The proposed project includes 37,000 square feet of retail and would be allowed to include up to 370 dwelling units on the property (255 units are proposed). In either scenario where the minimum amount of retail is provided a height bonus of up to 200 feet is allowed. The granting of the D-BV-1 Zone bonuses is allowed through a Conditional Use Permit process, which in this instance would be considered by the Planning Commission.

Density and Height Bonus				
Bonus	Permitted	50% Retail Bonus	60% Retail Bonus	Proposed
Height	45 feet	200 feet	200 feet	85 feet
Dwelling Units	0	181 units	370 units	255 units

#### **Parking**

The project meets all of the required auto and bike parking pursuant to Planning Code Section 17.116 & 17.117. Auto and Bike parking is required and proposed as set forth in the following tables.

Auto Parking			
Use	Amount	Required Auto Parking	Stalls Provided
Residential	255 units	0.5: unit = 128 stalls	217
Commercial	37,297 sq.ft.	1: 500 sq.ft. = 75 stalls	82
TOTAL		203	299

Bike Parking	Long Term		
Use	Amount	Required Bike Parking	Provided
Residential	255 units	1: 2units = 128	128
Commercial	37,297 sq.ft.	1:8,000 sq.ft. = 5	5
TOTAL		133	133

Bike Parking	Short Term			
Use	Amount	Required Bike Parking	Provided	
Residential	255 units	1:15 units = 17	18	
Commercial	37.297 sq.ft.	1:2.000 sq.ft. = 19	18	
TOTAL		36	36	

# **Off-Street Loading Variance**

Pursuant to Planning Code Section 17.116 four off-street loading berths are required for the proposed project. Two berths are required for the retail component since the amount of new square feet is between 25,000 and 49,999. Two additional loading berths are required for the

Residential use since the building includes in excess of 150,000 square feet of new residential floor area.

The proposed project would provide two off-street loading berths accessed off of 26<sup>th</sup> Street adjacent to the auto entry and other utility locations along the block. Staff feels that the granting of the Minor Variance to allow two berths where four is required is a superior design solution that meets the intent of the regulations. The location of the two proposed loading berths would provide direct access to the rear of the large anchor tenant space fronting on Broadway as well as have access to a side street elevator lobby that can serve the residential uses. By allowing the joint use of the loading area between the retail and residential uses, the façade of the building is able to contain less curb cuts and doors and allow for more retail square footage, which would be reduced by additional loading berths along this frontage. Furthermore, staff feels that the necessity for the full loading berth for many residential move ins would be unnecessary due to the smaller size of many of the proposed units within the building.

# **Design Review**

The proposed project is a seven story building that steps the massing with the grade of the site as it drops from the Broadway elevation down to the Valdez Street side of the site. The building would contain six stories of residential above a tall double height ground floor retail space fronting on Broadway. The building contains a modern architectural design that incorporates features that take advantage of its site specific location. The signature feature to the building is the corner at Broadway and 27th Street where the building will contain a metal and glass wall tower element with a sloped roof that is flanked by a vertical blade feature on the Broadway side that could contain signage for the ground floor anchor tenant and a "frame" feature on the 27<sup>th</sup> Street side that begins the curved frontage along 27<sup>th</sup> Street. As the building steps down 27<sup>th</sup> Street the building mass steps at the midblock point and is anchored by a tall tower feature that calls out the main residential lobby entrance along with a second blade feature that will contain the building signage. Both portions of the 27<sup>th</sup> Street façade contain building curvature that flanks the midpoint tower that represents the unique site dimensions. As the project site turns the corner of 27<sup>th</sup> Street to Valdez Street the building contains a rounded façade that will anchor the corner of that intersection. The ground level of the Valdez frontage will also contain retail spaces that would front onto a newly developed pedestrian plaza, as called out in the circulation section of the BVDSP. The elevation of the building along 26th Street will contain a secondary residential lobby entrance that will also mark the midpoint of the step of the building from the different elevations between Valdez and Broadway. The ground floor along 26<sup>th</sup> Street is where the utility features of the building would be located such as the loading dock door, auto entry, and other utility items such as garbage and transformers rooms, which is appropriate given that it is the least important of the four project frontages. The corner of the building along 26<sup>th</sup> and Broadway will also contain a metal window wall to call out the important corner of the site as seen from a southerly approach on Broadway. The front Broadway elevation as previously mentioned will contain the tall double height ground floor retail which will have storefronts that are broken up with brick pilasters and a horizontal metal awning to establish the transom window elements above and a stone bulkhead. The upper levels of the building along Broadway will be broken down by three large vertical recesses that will contain balconies with glass railings, and in between the façade will include alternating bay projections for additional visual interest that helps establish a middle and top component to the building façade.

The overall building material palette includes high quality exterior materials such as brick and stone ground floor treatments, metal window wall treatments at two important corners on Broadway, and mix of cement panel and plaster along the facades. The proposed balconies are proposed to contain glass railing walls, and the buildings windows will be recessed with a high quality vinyl window. The proposed windows along the exterior would contain an architectural finish such as gray or silver to emulate metal and the operating portion of the windows shall be required to have the same profile as the non-operable portions of the windows.

### LPAB Review

As previously mentioned, this item appeared before the Landmarks Preservation Advisory Board (LPAB) on October 12, 2015. This item was brought to the LPAB requesting direction with regard to the project's consistency with the Demolition Findings. The LPAB overall believed the project was "nice," but didn't do enough to make a statement given the building's important location and the fact that it is replacing a Heritage property. As a result the LPAB voted to form a subcommittee to work out further design details/refinements. The subcommittee meeting was held that included the applicant, staff, and members of the public on November 2, 2015. At the subcommittee meeting the project architect revealed proposed sketches that would revise the corner element of the building and incorporate a vertical blade element as an attempt to relate to mid-century modern architecture without trying to directly emulate it. The subcommittee members were satisfied with this approach and advised the applicant to proceed with design modifications as long as the building as a whole was tied into this design concept.

Once the architectural plans were updated, they were provided to the two LPAB Subcommittee members and they were both satisfied with the proposed changes. Board member Andrews did suggest that more could be done to emphasize the blade element by making it larger or more robust or using lighting methods, but also agreed that if it were used as a holder for the main anchor tenant signage it would be sufficient.

## Design Review Committee

As previously mentioned, this item appeared before the Design Review Committee (DRC) on December 9, 2015. At this meeting the DRC recommended to move the item forward to consideration by the full Planning Commission. At the meeting a few items were raised and the ones that appeared to have consensus was to remove the "frame" element from the 27<sup>th</sup> Street façade. This has been discussed with the applicant and they feel very strongly about retaining that element of the building and are prepared to provide more information about it to the full Commission. Another item that was discussed was the possibility of eliminating the proposed plaza at 27<sup>th</sup> & Valdez Streets and relocating Biffs to that area per a recommendation that was raised by Oakland Heritage Alliance. At the meeting staff had informed the Committee members that such a proposal would include a large undertaking that would require vacation of City Right of Way as well as amending the Broadway Valdez Plan since the two plazas at this intersection were included as improvements within the Specific Plan. In addition, the relocation of the

structure was shown to be economically infeasible, which is further discussed in the Environmental Review section below. As a result of these complexities, staff did not require the applicant to study this item any further.

Staff believes the proposed design is consistent with the Corridor Design Guidelines as well as the Broadway Valdez Specific Plan Design Guidelines by creating a mixed use development that establishes a strong pedestrian oriented commercial ground floor which is the desired character for the Broadway Valdez Area versus that of the existing 1960's auto oriented setting of the site that presently exists. The project also provides interesting corner features at important intersections, appropriately locates parking access off of side streets while screening parking garages, contains clearly identified residential lobby entrances, and provides a well-designed façade that incorporates high quality exterior materials and a series of treatments that break up the mass and visual bulk of the building.

### **Demolition Findings**

Pursuant to Planning Code Section 17.136.075B, the proposed project is also subject to the Category I Demolition Findings. The applicable findings required for the project are as follows:

<u>Finding #1:</u> The applicant demonstrates that the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or

<u>Finding #2:</u> The applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate; (This finding is not applicable and will not be discussed further.)

Finding #3: If a replacement facility is required by Subsection 17.136.075.A., the design quality of the replacement facility is equal or superior to that of the existing facility; and

<u>Finding #4:</u> It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

Please see Attachment D to this staff report for the detailed Demolitions Findings and all of the submittal requirements.

Staff believes the project meets the required demolition findings because the submitted information in Attachment D demonstrates that the existing property does not have a reasonable use or generate a reasonable economic return while the proposed project does, and it is functionally and economically infeasible to incorporate the structure into the proposed development largely due to the condition of and location of the existing building.

One of the main issues that arose for discussion at both the LPAB and the DRC related to Finding #3 -- whether or not the proposed building is equal or superior in design quality to the existing building. During these discussions there was some confusion about how this standard

was applied and which state of the building should be used as comparison -- the current condition (which is severely dilapidated) or the original condition which at times has been referenced to an image from an old post card where the building contains a circular metal roof and lights similar to a UFO. Not to take away from the historic importance of the building, but the original roofing material never contained a roof as shown in the postcard and was actually built with rough textured stucco. This roof was covered up with the current shingle mansard roof approximately ten years after construction in the early 1970's, and that is the state of the building for comparison purposes as it was the design of the building that has been present for the longest period of time

For additional clarification on the standards to determine "equal or superior," see the City's submittal requirements below to which the attached Demolition Findings prepared for the project respond. Staff believes that the submitted document demonstrates consistency with the submittal requirements and therefore meets the required criteria for demolition. Please see the detailed Finding III analysis in Attachment D to this report which outlines the response to all of the submittal requirements. That analysis is summarized below.

### Finding 3 submittal requirements:

A report shall be submitted that addresses whether the proposal demonstrates equal or superior quality with respect to:

- 1. A clearly identifiable visual or design value. For instance, does the replacement proposal express its present character as strongly as the historic design expressed its past?

  The design of the proposed project is an expression of its place in time and incorporates many elements of contemporary modern architecture. The existing Biff's Coffee Shop was constructed with a distinctive, circular form to appeal to passing motorists, and it is recognized as a unique example of roadside architecture. While occupying the same site, the proposed project offers an interpretation of modern architecture idioms (e.g. prominent horizontal elements, clean surfaces, bands of glazing) that are suited for a pedestrian environment, by providing simple, but attractive, ground-level storefronts and a visually interesting arrangement of fenestration and design elements.
- 2. Durability, quality, and design value of surface materials. Durable and quality materials include, but are not limited to: stone, granite, marble, concrete, highest quality and detailed glass curtain wall, terra cotta or other materials appropriate to the design style of the building or context of the neighborhood. In terms of design value, are materials in the replacement building used to enhance the architectural design elements of the building instead of used solely for the sake of variety?

High-quality materials would be used throughout the proposed project, including brick, glass, storefront, window wall, metal panels, cementitious panels, and cement plaster. Changes in materials and color would be used to reinforce major building massing elements and are complementary of the architectural composition.

3. Significant enhancement of the visual interest of the surrounding area: The design of the proposed project will enhance the neighborhood environment by providing pedestrian-oriented retail, street trees, awnings and canopies, widened sidewalks, and enhanced

quality materials that respond to the various facades. The organization of the ground level plan minimizes the impact of vehicular access and service functions by segregating them from the important retail streets and instead grouping them along 26th Street.

### 4. High quality detailing;

The design of the proposed project is further enhanced by attention to detail. Special attention was given to the pedestrian retail experience and the way that the stone and masonry materials at the building base interface with the retail storefronts and canopies.

5. Composition. A well composed building integrates all aspects of the building (materials, façade patterns, proportions, openings, forms, massing, detailing, etc.) into its overall character and design.

The importance of the Broadway/27<sup>th</sup> corner is recognized by the design of the modern, iconic tower/fin element. The western side of the 27<sup>th</sup> elevation is organized around a super grid with infill featuring Mondrian pattern accents. The residential entry is positioned at the step in the building (responding to site grades) and serves as the vertical termination to the horizontal facades on each side and breaks down the scale of the building. To the east of the residential entry, the design transitions to a horizontal organization which wraps around to the Valdez frontage and features long horizontal eyebrow canopy and canted columns (recalling mid-century modern precedents). The corner of 26<sup>th</sup> and Broadway features a vertical element clad in high quality materials with horizontal canopies at each floor level—an element intended to be subordinate to the more important 27<sup>th</sup> and Broadway corner, while still providing visual interest and an appropriate terminus for the Broadway façade. The Broadway elevation, between the vertically oriented corners, is simplified, with a series of extruded elements (of same color as the background) at alternating heights serving to break down the massing of the façade.

6. Site setting, neighborhood, and streetscape contexts;

The proposed project encourages pedestrian activity through its street frontage at lot lines along Broadway and 27<sup>th</sup> Street, as well as its glazed retail storefronts at ground level. This is the City of Oakland's new and desired context for the area, in contrast to the far less dense and automobile-focused context that exists at the site today.

7. Incorporating "especially fine" construction details, methods, or structural materials. These include those that successfully address challenging structural problems, contribute significantly to the building's overall design quality, exhibit fine craftsmanship, or are visible design elements;

Notable design elements of the proposed project, as described above, are the vertical element at the corner of Broadway and 27th Street, the façade along the future plaza on Valdez Street, and the mid-block element at the residential entry along 27th Street.

8. The replacement building's reflection of the time it was designed, not merely a caricature of the demolished building;

The proposed project is designed in a contemporary style utilizing elements, materials, and construction methods that follow prevalent trends in California multi-family architecture at the present time. This contemporary theme embraces the incorporation of mid-century modern design elements without compromising the overall composition of the project; in fact, the subtle

introduction of these elements strengthens the design and succeeds in merging the past with the present.

9. The replacement building's contemporary interpretation of the demolished building's elements in terms of the cultural, historic, economic, or technological trends of its time. The proposed building, while not attempting to mimic "Googie Style," does incorporate elements of mid-century modern design of the same period. The vertical fin with lighted accents at the corner of Broadway and 27th is similar to elements in some "Googie" signage designs, while the sweeping horizontality and canted columns at the Valdez Street façade incorporate mid-century modern design principles.

#### ENVIRONMENTAL DETERMINATION

The Broadway Valdez District Specific Plan Environmental Impact Report (EIR) analyzed the environmental impacts of adoption and implementation of the BVDSP and, where the level of detail available was sufficient to adequately analyze the potential environmental effects, provided a project-level CEQA review for reasonably foreseeable development. This project-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects developed under the BVDSP.

Applicable CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provide a basis for CEQA compliance.

- 1. Community Plan Exemption. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact."
- 2. Qualified Infill Exemption. Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applying development policies or standards. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific

effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.

**3. Addendum.** Public Resources Code Section 21166 and CEQA Guidelines Section 15164 state that an addendum to a certified EIR is allowed when minor changes or additions are necessary and none of the conditions for preparation of a subsequent EIR or Negative Declaration pursuant to Section 15162 are satisfied.

#### Note:

A detailed CEQA Analysis was prepared for the project and was provided under separate cover for review and consideration by the Planning Commission, and is available to the public at the Planning Department office at 250 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor, Oakland, CA 94612 and on the City's website at: http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157

#### **Cultural Resource Mitigation Measures**

As previously mentioned, the Biff's Coffee Shop building is a CEQA historic resource. The BVDSP EIR identified the Biff's building as likely to be demolished as part of the implementation of the specific plan and was identified within the EIR as a Significant and Unavoidable Impact. A Statement of Overriding Consideration was made by the City Council upon the Certification of the EIR and the adoption of the Broadway Valdez District Specific Plan, finding that the benefits of the Specific Plan outweighed the significant impacts to the environment, including demolition of historic resources.

The BVDSP EIR included Mitigation Measures that are applicable to development on any site that contains a CEQA Historic Resource. Those Mitigations are applicable to this project and are listed below. Please see Attachment G to the CEQA Analysis, the document prepared for the project by ICF and Page & Turnbull entitled "Historical Mitigation Compliance Report" (HMCR). Staff has reviewed the HMCR and believes that it demonstrates compliance with the below required Mitigation Measures.

- Mitigation Measure CUL-1(a), Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.
  - Avoidance. The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers).
  - Adaptive Reuse. If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.
  - Appropriate Relocation. If avoidance or adaptive reuse in situ is not feasible, SCA
     56, Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), shall be implemented, as required. Projects

that relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact to less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance (e.g., a contributor to a historic district).

The HMCR prepared for the project included several scenarios that would have avoided or reused the existing building and thus satisfies the mitigation measure requirement. The two most reasonable approaches for each were presented in detailed analysis as Option #1 and Option #2. Option #1 would restore Biff's Coffee Shop and build a new building on Broadway with 181 units. Option #2 would construct a similar type building of a taller height with 255 units and connect the new building to the Biff's Coffee Shop building to expand the amount of retail floor area while only restoring the exterior of the building. Both of these options were shown to be economically infeasible and failed to cover their development costs. Relocation was also studied in the document, but due to the size and construction of the building it was also determined to be infeasible. Nevertheless, the SCAMMRP contains a condition requiring a 90-day notice of building availability.

Mitigation Measure CUL-1(b), Future Site-Specific Surveys and Evaluations Although the Plan Area has been surveyed by the City of Oakland's OCHS and as a part of the Broadway Valdez Specific Plan effort by ESA in 2009, evaluations and ratings may change with time and other conditions. There may be previously unidentified historical resources that would be affected by future development activities. For any future projects on or immediately adjacent to buildings 50 years old or older between 2013 and 2038, which is the build-out horizon for the Specific Plan (i.e., by the end of the Plan period, buildings constructed prior to 1988), the City shall require specific surveys and evaluations of such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the Secretary of the Interior's Standards. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future development activities avoid, adaptively reuse, and/or appropriately relocate such historical resources in accordance with Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above. Site-specific surveys and evaluations that are more than 5 years old shall be updated to account for changes that may have occurred over time.

Mitigation CUL-1(b) has been satisfied since a survey and evaluation was completed in 2007 and updated in 2015. The survey and evaluation remain valid.

Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) is determined infeasible as part of a future project, the City shall evaluate the feasibility and appropriateness of recordation and public interpretation of such resources prior to any construction activities that would directly affect them. Should the City decide that recordation and or public interpretation is required, the following activities will be performed:

- Recordation. Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires photo-documentation of historic structures, a written report, and/or measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at the Oakland Planning Department and local repositories, such as public libraries, historical societies, and/or the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Plan Area, including those that are relocated pursuant to Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource.
- O Public Interpretation. A public interpretation or art program would be developed by a qualified historic consultant or local artist in consultation with the Landmarks Preservation Advisory Board and the City, based on a City-approved scope of work, and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays that explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Plan Area.

Photographic recordation and public interpretation of historically significant properties do not typically mitigate the loss of resources to a less-than-significant level (State CEQA Guidelines Section 15126.4(b)(2)).

Mitigation CUL-1(c) would apply to the project and will be implemented. The HABS report shall be prepared and recorded prior to demolition of the building and the proposal for the Public Interpretation shall be reviewed and approved by Planning Department's Oakland Cultural Heritage staff prior to issuance of a building permit.

# Mitigation Measure CUL-1(d), Financial Contributions

If Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and Mitigation Measure CUL-1(b) (Future Site-Specific Surveys and Evaluations) are not satisfied, the project applicant shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Plan Area or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or a Property Relocation Assistance Program.

This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff members at the time of approval of site-specific project plans, based on a formula to

be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with Mitigation Measure CUL-1(c) (Recordation and Public Interpretation), would not reduce the impacts to less-than-significant levels.

Only avoidance of direct effects on historic resources, as would be achieved through Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and Mitigation Measure CUL-1(b) (Future Site-Specific Surveys and Evaluations), would reduce the impacts on historic resources to a less-than-significant level. Therefore, if demolition or substantial alteration of historically significant resources is identified by the City as the only feasible option for development in the Plan Area, even with implementation of Mitigation Measure CUL-1(c) (Recordation and Public Interpretation) and Mitigation Measure CUL-1(d) (Financial Contributions), the impact of adoption of and development under the Specific Plan would be considered significant and unavoidable.

Mitigation measure CUL-1(d) is also applicable to the proposed project and a financial contribution in the amount of \$82,500 will be contributed into the City's façade improvement program. The contribution amount was calculated by using an approach that has been used on other buildings in the City that apply an amount based upon two building frontages. However, given that Biff's Coffee Shop is circular and fronts on four streets, the City applied the same calculation to the entire perimeter. The calculation applies a base fee of \$10,000 for the first 25 linear feet of the building and then applies \$2,500 per each 10 additional linear feet. The total building perimeter is 235 feet and this added up to \$68,750. Given the loss of a CEQA resource an additional 20% was applied resulting in the total of \$82,500.

As previously stated, even with implementation of the aforementioned mitigation measures, there nevertheless remains a significant and unavoidable impact on historic resources, as contemplated in the BVDSP EIR and City Council action approving the Specific Plan's Statement of Overriding Considerations.

#### CONCLUSION

Staff believes that the proposed project is well designed and helps to implement the vision of the BVDSP by providing a large floorplate retail tenant space at the important intersection of Broadway and 27<sup>th</sup> Street, at a retail priority site that will be able to attract an anchor tenant to the district, provide smaller scale retail along Valdez Street, implement a public plaza and other streetscape improvements as set forth in the BVDSP, as well as provide high density housing by satisfying the requirement for the housing bonus that will help to make the area a 24/7 neighborhood.

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### **RECOMMENDATIONS:**

- 1. Affirm staff's environmental determination and adopt the attached CEQA Findings.
- 2. Approve the Major Conditional Use, Design Review, Minor Variance, and Vesting Tentative Parcel Map subject to the attached findings and conditions.

Prepared by:

PETERSON Z. VOLLMANN

Planner III

Reviewed by:

SCOTT MILLER Zoning Manager Bureau of Planning

Reviewed by:

DARIN RANELETTI

Deputy Director

Bureau of Planning

Approved for Forwarding to the

City Planning Commission:

RACHEL PLYNN, Director

Department of Planning and Building

#### ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. SCA/MMRP from the 27th & Broadway CEQA Analysis Checklist
- D. (Revised) Demolition Findings Submittal
- E. Plans of the Project Site

# ATTACHMENT A

# **FINDINGS FOR APPROVAL**

This proposal meets all the required Conditional Use Permit Criteria (Section 17.134.050), Design Review Criteria (Sections 17.136.050 & 17.136.075), and Minor Variance Findings (Section 17.148.050) as set forth below and which are required to approve your application. This proposal does not contain characteristics that require denial pursuant to the Tentative Map Findings (Section 16.08.030) and is consistent with the Lot Design Standards (Section 16.24.040) of the Oakland Subdivision Regulations. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type. (Note: the Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record).

#### SECTION 17.134.050 - CONDITIONAL USE PERMIT FINDINGS:

1. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed mixed use development is consistent with the desired character for the area as set forth in the Broadway Valdez Specific Plan Area by helping to establish a new pedestrian oriented retail development on Broadway and Valdez Street with 37,000 square feet plus of new ground floor retail and providing for the density desired for a 24 hour neighborhood. The proposed project establishes the desired mixed use character and density envisioned for the area.

2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The proposal will provide a functional mixed use environment with new ground floor retail opportunities on two important shopping streets with upper level residential activities that are located in close proximity to local and regional transit and contains ample on-site open space as well as being a few blocks away from Lake Merritt.

3. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The development will help to enhance the area as a neighborhood and regional shopping district by establishing new commercial uses that will help to bring more activity to the area while Case File Number PLN15-241

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creating an attractive pedestrian environment around the project site. The site will also contain a large footprint retail space along the Broadway frontage that will be suitable for an anchor tenant in the area.

4. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

See Design Review findings below.

5. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

As detailed earlier in the report, and hereby incorporated by reference, the General Plan's Land Use and Transportation Element (LUTE) classifies the project site as being located in the Central Business District (CBD) General Plan area. This land use classification is intended encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, community facilities, and visitor uses. The CBD classification includes a mix of large-scale offices, commercial, urban high rise residential, institutional, open-space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses. The proposed Project meets the referenced policies and objectives and the general intent of the Central Business District land use designation by constructing a new high density residential building above a large commercial ground floor of over 37,000 square feet on a major commercial street within the downtown core within walking distance to the 19<sup>th</sup> Street BART station.

The Broadway Valdez District Specific Plan provides a vision and planning framework for future growth and development in the approximately 95 acre area along Oakland's Broadway corridor between Grand Avenue and I-580. The Specific Plan, which has been developed with a thorough analysis of the area's economic and environmental conditions and input from City decision-makers, landowners, developers, real estate experts, and the community at large, provides a comprehensive vision for the Plan Area along with goals, policies, and development regulations to guide future public and private actions relating to the area's development. The Plan also serves as the mechanism for insuring that future development will be coordinated and occur in an orderly and well-planned manner.

The Project is consistent with the above mentioned goals and policies by creating a new, mixed use development located in a retail priority site of the Valdez Triangle. The proposal will contain an active ground floor commercial presence with more than 37,000 square feet of new retail space that will promote a vibrant, pedestrian-oriented environment for Broadway and Valdez Street. The new retail square footage fronting on Broadway will contain a large floorplate that will be able to accommodate an anchor tenant for the district. The proposal will include the reconfiguration of 27<sup>th</sup> and Valdez to implement the pedestrian plaza at that location as envisioned by the Specific Plan. The Project also will create high density, upper level residential uses that will be in close proximity to transit access and help to create a 24-hour neighborhood.

# 17.136.050(A) - RESIDENTIAL DESIGN REVIEW CRITERIA:

1. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.

The proposed project is located on a Retail Priority Site of the Broadway Valdez Specific Plan that envisions a high density mixed use project. The proposed ground floor along Broadway provides for a double height retail space with a large footprint that can accommodate an anchor tenant in the area. The use of brick at the ground floor is consistent with other older masonry buildings in the area that housed auto garages and auto showrooms. The proposed building has elements that enhance the corners of the building to call out its important location as an entry point into the district and the structure contains vertical breaks in the horizontal mass of the building that break down the visual bulk of the structure. The proposal also contains elements that call out the unique shape of the site with the curved façade along 27<sup>th</sup> Street.

2. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.

The proposed design will enhance the desirable neighborhood characteristics by filling in a largely underdeveloped site with a new mixed use building with 37,000 square feet of new ground floor retail on a priority site within the Broadway Valdez Specific Plan. as well as provide for a dense residential environment in close proximity to downtown jobs, local and regional transit and open space.

3. The proposed design will be sensitive to the topography and landscape.

The proposed building will step down in massing with the downward slope of the property from Broadway back to Valdez Street.

4. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The proposed building will step down in massing with the downward slope of the property from Broadway back to Valdez Street.

5. The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

The project site is consistent with the City's Corridor Design Guidelines and the Broadway Valdez Design Guidelines. The Project is consistent with the goals and policies of the LUTE and BVDSP as indicated in Findings in Sections 17.134.050 above and the City Planning Commission Report, hereby incorporated by reference.

# SECTION 17.136.075.B - CATEGORY I DEMOLITION FINDINGS:

1. The applicant demonstrates that: a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;

As detailed in Attachment D to this staff report, hereby incorporated by reference, the applicant has demonstrated that the existing property has no reasonable use and cannot generate a reasonable economic return, while the proposed development will provide a return on investment.

2. If a replacement facility is required by Subsection 17.136.075.A., the design quality of the replacement facility is equal or superior to that of the existing facility; and

As detailed in Attachment D to this staff report, hereby incorporated by reference, the design quality of the replacement facility is equal to or superior to that of the existing facility because the proposed project has a clearly identifiable design value that relates to its period of construction while using elements that hint to the mid-century modern period of the existing building, will use high quality materials and detailing, will significantly enhance the visual aspects of the area, and contains a well composed façade design.

3. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

As detailed in Attachment D to this staff report, hereby incorporated by reference, an independent architect developed several scenarios that would have avoided demolition and/or reused the existing building. The two most reasonable approaches for each were presented in detailed analysis as Option #1 and Option #2. Option #1 would restore Biff's Coffee Shop and build a new building on Broadway with 181 units. Option #2 would construct a similar type building of a taller height with 255 units and connect the new building to the Biff's Coffee Shop building to expand the amount of retail floor area while only restoring the exterior of the building. Both of these options were shown to be economically infeasible and failed to cover their development costs. Relocation was also studied in the document, but due to the size and construction of the building it was also determined to be infeasible. Nevertheless, the SCAMMRP contains a condition requiring a 90-day notice of building availability.

# **SECTION 17.148.050 – MINOR VARIANCE FINDINGS:**

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

Strict compliance with the required four loading berths would preclude an effective design solution that improves the appearance and operational efficiency of the building. The required four loading berths would take up almost the entire façade along 26<sup>th</sup> Street and would also have an impact upon the depth and functionality of the retail on Broadway as the loading berths would encroach into a major portion of the floorplate. By granting the variance to allow only two loading berths where four are required allows a superior design while still allowing for two berths to serve the large retail component of the project and with building management, one of the berths can also be reserved as needed for residential move-ins. A condition of approval is proposed that requires a loading berth management plan be submitted for City review/approval

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

The basic intent of the loading berth requirements for retail and residential is to allow for a functional loading area for retail tenant deliveries to occur and, in the case of residential units, to allow for a functional location to accommodate tenants moving into and out of units. The two loading berths being provided can meet this need by arranging times for the loading berth to be used for residential move-ins while not encroaching into the retail floorplate as would be required for the full four loading berths.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

The granting of the variance for reduced loading berths will not affect the character, livability, or appropriate development of the area as the reduced loading berths allows for a better design of the building while still meeting the needs of the proposed uses.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

The granting of the variance to reduce the loading berths would not constitute a grant of special privilege as many other buildings in the area do not contain loading berths and many other smaller scale local commercial streets do not have commercial buildings with numerous loading

berths but rather are serviced by curbside loading zones. Further the proposal has the opportunity to share loading berths amongst the two uses so that the needs of those uses are met.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.

See Design Review Findings above. The lack of the additional loading berth doors allows for a superior design to the exterior of the building.

6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The Project is consistent with the goals and policies of the LUTE and BVDSP as indicated in Findings in Sections 17.134.050 above and the City Planning Commission Report, hereby incorporated by reference.

# 16.08.030 - TENTATIVE MAP FINDINGS (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act)

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans as specified in the State Government Code Section 65451.

The proposal is consistent with the Central Business District General Plan designation and with the Broadway Valdez District Specific Plan by creating a mixed use development with viable street fronting retail for an anchor tenant along Broadway and smaller scale retail along Valdez Street. See additional General Plan Conformity findings above.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposal is consistent with the Central Business District General Plan designation and with the Broadway Valdez District Specific Plan by creating a mixed use development with viable street fronting retail for an anchor tenant along Broadway and smaller scale retail along Valdez Street. See additional General Plan Conformity findings above.

C. That the site is not physically suitable for the type of development.

The site is suitable for the proposed development as it is located close to public utilities, transit, and other civic facilities, and fulfills the vision for the area as set forth in the Broadway Valdez District Specific Plan.

D. That the site is not physically suitable for the proposed density of development.

The proposed density is consistent with the General Plan and Specific Plan density envisioned for the

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area.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - This site has been previously developed and does not contain any wildlife habitat or waterways.
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  - There should be no adverse health effects. This is in a mixed use development containing residential and retail uses located in the downtown area and it will introduce no new use classifications that are incompatible with the surrounding neighborhood.
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.)

There are no easements on this property at present to allow the public access to anything.

H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision

The project could to be set up for solar panels on the rooftop.

#### **SECTION 16.24.040 – LOT DESIGN STANDARDS**

As a one lot subdivision for condominium purposes these standards are not applicable.

# **CEQA COMPLIANCE FINDINGS**

1. <u>Introduction</u> These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; "CEQA Guidelines") by the City Planning Commission in connection with the environmental analysis of the effects of implementation of the 27<sup>th</sup> & Broadway project, as more fully described elsewhere in this Staff Report and City Of Oakland ("City")-prepared CEQA Analysis document entitled "27<sup>th</sup> & Broadway CEQA Analysis" dated December 31, 2015 ("CEQA Analysis") (the "Project"). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

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II. Adoption of BVDSP and Certification of BVDSP EIR: The City finds and determines that (a) the Oakland City Council on June 17, 2014 adopted Resolution No. 85065 C.M.S. which adopted the Broadway Valdez District Specific Plan ("BVDSP"), made appropriate CEQA findings, including certification of the BVDSP Environmental Impact Report ("EIR"); and (b) the BVDSP satisfies the description of "Community Plan" set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183 as well the description of "Planning Level Document" set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the BVDSP following a public hearing, approved as a part thereof Standard Conditions of Approval ("SCAs") which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the uniformly applicable development policies or standards, together with the mitigation measures set out in the BVDSP EIR, would substantially mitigate the impacts of the BVDSP and future projects thereunder.

III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for two separate CEQA statutory exemptions and that the CEQA Analysis constitutes an addendum to the BVDSP EIR, as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and in the checklist attached as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the "Community Plan Exemption" of Public Resources Code section 21083.3 (CEQA Guidelines §15183) and/or the "Qualified Infill Exemption" under Public Resources section 21094.5 (CEQA Guidelines §15183.3) and that the CEQA Analysis also constitutes an Addendum to the BVDSP EIR pursuant to Public Resources Code section 21166 (CEQA Guidelines §15162) and that such Addendum determines that none of the three events requiring subsequent or supplemental environmental analysis as stipulated in Public Resources Code section 21166 have occurred, thus no additional environmental analysis beyond the BVDSP EIR and the CEQA Analysis is necessary. The specific statutory exemptions and the status of the CEQA Analysis as an Addendum are discussed below in more detail.

A. Community Plan Exemption; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project's effects on the environment were adequately analyzed and mitigation measures provided in the BVDSP EIR; there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the BVDSP EIR; and there is no new information showing that any of the effects shall be more significant than described in the BVDSP EIR.

As set out in detail in Attachment B to the CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density established by the BVDSP and analyzed in the BVDSP

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EIR and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the BVDSP EIR: nor are there potentially significant off-site impacts and cumulative impacts not discussed in the BVDSP EIR; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the BVDSP EIR, are now determined to present a more severe adverse impact than discussed in the BVDSP EIR. As such, no further analysis of the environmental effects of the Project is required.

B. Qualified Infill Exemption; Public Resources Code Section 21094.5 (CEQA Guidelines §15183.3): The City finds and determines that, for the reasons set forth below and in the CEQA Analysis, a Qualified Infill Exemption applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the BVDSP EIR; the Project will cause no new specific effects not addressed in the BVDSP EIR that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the BVDSP EIR.

The City finds that, pursuant to CEQA Guidelines section 15183.3, the CEQA Analysis contains in Attachment C a written analysis consistent with Appendix M to the CEOA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The contents of Attachment C documents that the Project is located in an urban area satisfying the requirements of CEOA Guidelines section 15183.3 and satisfies the applicable performance standards set forth in Appendix M to the CEQA Guidelines. It also explains how the effects of the Project were analyzed in the BVDSP EIR; and indicates that the Project incorporates all applicable mitigation measures and SCAs from the BVDSP EIR. Attachment C also determines that the Project will cause no new specific effects not analyzed in the BVDSP EIR; determines that there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the BVDSP EIR, determines that the Project will not cause new specific effects or more significant effects, and documents how uniformly applicable development policies or standards (including, without limitation, the SCAs) will mitigate environmental effects of the Project. Based upon the CEQA Analysis and other substantial evidence in the record, the City finds and determines that no further environmental analysis of the effects of the Project is required.

C. CEQA Analysis Constitutes an Addendum; Public Resources Code Section 21166 (CEQA Guidelines §15164): The City finds and determines that the CEQA Analysis constitutes an Addendum to the BVDSP EIR and that no additional environmental analysis of the Project beyond that contained in the BVDSP EIR is necessary. The City further finds that no substantial changes are proposed in the Project that would require major revisions to the BVDSP EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the BVDSP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance not known and which could not have been known with the exercise of reasonable diligence as of the time of certification of the BVDSP EIR showing that

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the Project will have one or more significant effects not discussed in the BVDSP EIR; significant effects previously examined will be substantially more severe than shown in the BVDSP EIR, mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or mitigation measures or alternatives which are considerably different from those analyzed in the BVDSP EIR would substantially reduce one or more significant effects on the environment.

Based on these findings and determinations, the City further finds that no Subsequent or Supplemental EIR or additional environmental analysis shall be required because of the Project. The City has considered the CEQA Analysis along with the BVDSP EIR prior to making its decision on the Project and a discussion is set out in the CEQA Analysis explaining the City's decision not to prepare a Subsequent or Supplemental EIR pursuant to Guidelines sections 15162 and/or 15163.

- IV. <u>Severability</u>: The City finds that all three CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the three be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.
- V. Incorporation by Reference of Statement of Overriding Considerations: The BVDSP EIR identified seven areas of environmental effects of the BVDSP that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the BVDSP EIR, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statement of Overriding Consideration for the BVDSP EIR, approved as Section XII of the CEQA Findings adopted by the City Council on June 17, 2104, via Resolution No. 86065 C.M.S., is hereby incorporated by reference as if fully set forth herein.

#### ATTACHMENT B

# **CONDITIONS OF APPROVAL**

## STANDARD ADMINISTRATIVE CONDITIONS:

# 1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report** and the approved plans **dated December 9, 2015**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

# 2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

#### 3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

#### 4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance

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with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

## 5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the asbuilt project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

#### 6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

#### 7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

#### 8. Indemnification

a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim,

judgment. loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b. Within ten (10) calendar days of the serving of any Action as specified in subsection (a) above on the City, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

# 9. Severability

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

# 10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

#### 11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

#### 12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a

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sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

# 13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

# 14. <u>Standard Conditions of Approval / Mitigation Monitoring and Reporting Program</u> (SCAMMRP)

a. All mitigation measures identified in the 27th & Broadway CEQA Analysis Document are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 27th & Broadway CEOA Analysis Document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 27th & Broadway CEQA Analysis Document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 27th & Broadway CEOA Analysis Document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The

CONDITIONS OF APPROVAL

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SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

## PROJECT SPECIFIC CONDITIONS:

### 15. Public Improvements Consistent with the BVDSP

<u>Requirement</u>: Plans shall be submitted for review and approval that include public right of way improvements that are consistent with the Broadway Valdez District Specific Plan. This shall apply to all four project frontages.

When Required: Prior to issuance of Building Permit Initial Approval: Bureau of Planning; Public Works

Monitoring/Inspection: Bureau of Building

#### 16. Public Plaza Design Review

Requirement: Plans shall be submitted to install a public plaza at the intersection of 27<sup>th</sup> & Valdez Streets as called for in the BVDSP, and if approved shall be constructed with the project public improvements. The details of the proposed public plaza at the intersection of 27<sup>th</sup> & Valdez Streets shall be presented to the Planning Commission's Design Review Committee.

When Required: Submittal of plaza design prior to approval of a p-job permit

Initial Approval: Bureau of Planning; Public Works

Monitoring/Inspection: Bureau of Building

#### 17. Master Sign Program required

<u>Requirement</u>: The applicant shall prepare a Master Sign Program for the proposed project, which shall include all commercial signage and residential signage.

When Required: Prior to issuance of a Sign Permit

Initial Approval: Bureau of Planning

# 18. Exterior Finishes

Requirement: The final building permit plan set shall contain detailed information on all proposed exterior finishes. If requested by the Bureau of Planning sample materials shall be submitted and are subject to final approval by the Zoning Manager. In addition, design refinements to the corner of Broadway and 27<sup>th</sup> Street may also be included.

When Required: Prior to issuance of a Building Permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

### 19. Public Art for Private Development Condition of Approval

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in-lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c) (3) tax designated organization in good standing.

When Required: Prior to issuance of Final Certificate of Occupancy and Ongoing

Initial Approval: Bureau of Planning

#### 20. Management of Loading Berths

<u>Requirement:</u> The applicant shall submit a loading berth management plan for City review and approval, including requiring residents to reserve the residential loading berth prior to moving in or out of the building.

When Required: Prior to issuance of a building permit

Initial Approval: Bureau of Planning

# 21. Covenants, Conditions and Restrictions & Homeowner's Association

Requirement: When the condominium units created are offered for sale, the Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association to maintenance and operation of all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

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When Required: If the condominium units are offered for immediate sale, within one year after issuance of the first certificate of occupancy. If not, prior to the first sale of a condominium unit.

# 22. Miscellaneous Transportation Improvement Measures

Requirement #1: Ensure that the project has adequate sight distance between motorists who are exiting the driveway and pedestrians on adjacent sidewalks. This may require redesigning and/or widening the driveway. If adequate sight distance cannot be provided, provide audio/visual warning devices at the driveway.

Requirement #2: Provide short-term bicycle parking spaces consistent with the City of Oakland Bicycle Parking Ordinance, and ensure that sidewalks continue to provide adequate width for pedestrians when bicycle racks are installed. If feasible, consider relocating long-term bicycle parking for building residents from levels B2 and B3 to a more convenient location, such as a ground level location so that they are directly accessible from the adjacent streets. If necessary, the long-term residential and commercial bike parking could be consolidated.

Requirement #3: At the southwest corner of the 27<sup>th</sup> Street/Valdez Street intersection, extend the proposed bulbout to the edge of the bike lane on 27<sup>th</sup> Street and ensure that a future crosswalk (i.e., crossing eastbound 27<sup>th</sup> Street) can be installed.

Requirement #4: Coordinate with AC Transit and the City of Oakland to consolidate at one location the separate bus stops for AC Transit and the Free Broadway Shuttle along the Broadway frontage. Provide amenities such as shelters, trash receptacles, and/or nighttime lighting at the bus stops on the Broadway frontage, based upon City and AC recommendations.

Requirement #5: Consistent with the BVDSP, consider implementing the following strategies as part of the TDM program for the proposed project:

- Designate dedicated on-site parking spaces for car-sharing.
- Provide long-term and short-term bicycle parking beyond the minimum required by the City of Oakland Planning Code.
- Designate a TDM coordinator for the project.
- Provide all new residents and retail employees with information on the various transportation options that are available.
- Explore option of AC Transit EasyPass for residents and/or funding towards the Free B Broadway Shuttle.

When Required: Prior to Certificate of Occupancy

# 23. Financial Contribution for Demolition of Historic Resource (MM CUL-1(d))

Requirement: To implement Mitigation Measure CUL-1(d), the applicant shall contribute \$82,500 to the City's façade improvement program, or other equivalent program upon approval by the Planning Director.

When Required: Prior to issuance of a demolition permit

Initial Approval: Bureau of Planning

# ATTACHMENT C

# ATTACHMENT & STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the Broadway and 27th mixed-use residential development.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The SCAMMRP lists mitigation measures ("MM") recommended in the EIR and identifies mitigation monitoring requirements, as well as the City's Standard Conditions of Approval ("SCA") identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored.

All MMs and SCAs identified in the CEQA Analysis, which is consistent with the measures and conditions presented in the BVDSP EIR, are included herein.

To the extent that there is any inconsistency between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column identifies the SCA and MM applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the Project.
- The third column names the party responsible for monitoring the required action for the Project.

The project sponsor is responsible for compliance with any recommendations in approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

		Mitigation In	plementation	Monitoring/
Sta	andard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Ae	esthetics, Shadow and Wind			
	CA-AES-1 (Standard Condition of Approval 16): Graffiti Control.  During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:  i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.  ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.  iii. Use of paint with anti-graffiti coating.  iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).  v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.  The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:  1. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.  ii Covering with new paint to match the color of the surrounding surface.  iii. Replacing with new surfacing (with City permits if	Ongoing	N/A	Bureau of Building
	required).			
SC	A-AES-2 (Standard Condition of Approval 17): Landscape Plan.	Prior to approval	l .	N/A
a.	Landscape Plan Required  The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.	of construction- related permit Prior to building permit final Ongoing	Planning Bureau of Planning N/A	Bureau of Building Bureau of Building
b.	Landscape Installation			
	The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.			

		Mitigation In	plementation.	/Monitoring
Stan	dard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
	Landscape Maintenance  All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.			
Prop shiel	a-AES-3 (Standard Condition of Approval 18): Lighting bosed new exterior lighting fixtures shall be adequately ded to a point below the light bulb and reflector to prevent excessary glare onto adjacent properties.	Prior to building permit final	N/A	Bureau of Building
Air	Quality			
Relai proje	AIR-1 (Standard Condition of Approval 19): Construction- ted Air Pollution Controls (Dust and Equipment Emissions). The ect applicant shall implement all of the following applicable air ition control measures during construction of the project:	During construction	N/A	Bureau of Building
	Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.			
	Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).			
	All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.			7
	Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.			
	Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).			
f.	Limit vehicle speeds on unpaved roads to 15 miles per hour.			i
	Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided			1
	for construction workers at all access points.			· · · · · · · · · · · · · · · · · · ·

		Mitigation Im	Mitigation Implementation/Monitoring			
Standard Conditions of Approval/1	Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection		
h. Idling times on all diesel-fueled horsepower shall be minimized off when not in use or reducing five minutes and fleet operators as required by Title 23, Section Regulations ("California Air Re Regulations").	either by shutting equipment the maximum idling time to smust develop a written policy 2449, of the California Code of					
<ul> <li>All construction equipment shat tuned in accordance with the magnetic shall be checked determined to be running in preoperation.</li> </ul>	anufacturer's specifications. by a certified mechanic and					
<ol> <li>Portable equipment shall be por available. If electricity is not ava- shall be used if feasible. Diesel of electricity is not available and it or natural gas.</li> </ol>	nilable, propane or natural gas engines shall only be used if					
<ul> <li>All exposed surfaces shall be wadequate to maintain minimun Moisture content can be verified probe.</li> </ul>	n soil moisture of 12 percent.					
<ol> <li>All excavation, grading, and dessuspended when average wind</li> </ol>						
m — Install sandbags or other erosion silt runoff to public roadways	n control measures to prevent	1				
<ul> <li>n. Hydroseed or apply (non-toxic) construction areas (previously g month or more).</li> </ul>						
<ul> <li>Designate a person or persons to program and to order increased prevent transport of dust offsite holidays and weekend periods of progress.</li> </ul>	watering, as necessary, to . Their duties shall include					
<ul> <li>p. Install appropriate wind breaks windward side(s) of actively dis construction site to minimize wind must have a maximum 50 perce</li> </ul>	sturbed areas of the ind blown dust. Wind breaks					
q. Vegetative ground cover (e.g., seed) shall be planted in disturant watered appropriately unt	bed areas as soon as possible					
<ul> <li>Activities such as excavation, gr disturbing construction activitie the amount of disturbed surface</li> </ul>	s shall be phased to minimize					
<ul> <li>All trucks and equipment, inclu prior to leaving the site.</li> </ul>	· · · · · · · · · · · · · · · · · · ·					

		Mitigation In	nplementation	/Monitoring
Sta	andard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
t.	Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.			
u.	All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.			
V.	Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).	-		4
w.	All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.			
Χ.	Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.			AND AND IN IT IS NOT THE PARTY OF THE PARTY
y.	Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.			
Tra	A-TRANS-4 (Standard Condition of Approval 71): Parking and insportation Demand Management (TDM) Plan Required. Refer to A-TRANS-4 under Transportation.	See below.	See below.	See below.
Bio	logical Resources			
Dun and dur dur man dur survof n concessub indit the	A-BIO-1 (Standard Condition of Approval 26): Tree Removal ring Breeding Season. To the extent feasible, removal of any tree for other vegetation suitable for nesting of birds shall not occur ing the bird breeding season of February 1 to August 15 (or ing December 15 to August 15 for trees located in or near rish, wetland, or aquatic habitats). If tree removal must occur ing the bird breeding season, all trees to be removed shall be veyed by a qualified biologist to verify the presence or absence lesting raptors or other birds. Pre-removal surveys shall be ducted within 15 days prior to the start of work and shall be mitted to the City for review and approval. If the survey leates the potential presence of nesting raptors or other birds, biologist shall determine an appropriately sized buffer around nest in which no work will be allowed until the young have	Prior to removal of trees	Bureau of Building.	Bureau of Building.

	Mitigation Im	plementation/	Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.			
SCA-BIO-2 (Standard Condition of Approval 27): Tree Permit.  a. Tree Removal Permit Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.  b Tree Protection During Construction Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:  i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.  ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree  iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No	Prior to approval of construction-related permit During construction Prior to building permit final	Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building Public Works Department, Tree Division Public Works Department, Tree Division	Bureau of Building Bureau of Building Bureau of Building

		Mitigation Im	plementation/	Monitoring
Stand	ard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
	heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.			
iv	Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.			
V	If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.			
V	All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.			
	Then Required: During construction			
	nitial Approval: Public Works Department, Tree Division			
	Ionitoring/Inspection: Bureau of Building			
	ree Replacement Plantings			
re re p	equirement: Replacement plantings shall be required for tree emovals for the purposes of crosion control, groundwater eplenishment, visual screening, wildlife habitat, and reventing excessive loss of shade, in accordance with the ollowing criteria:			
i.	No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.			
11	Replacement tree species shall consist of Sequoia			

		Mitigation Im	plementation/	Monitoring
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	sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.			
	Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.			
iv.	<ul> <li>Minimum planting areas must be available on site as follows</li> <li>For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;</li> </ul>			
Total Carlos	For other species listed, seven hundred (700) square feet per tree.			
V.	In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.			
Vi.	The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.	·		

	Mitigation Im	plementation	/Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Cultural Resources			
SCA-CUL-1 (Standard Condition of Approval 29): Archaeological and Paleontological Resources – Discovery During Construction.  Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.	During construction	N/A	Bureau of Building
In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.			
In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant			

	Mitigation Im	plementation	/Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.			
SCA-CUL-2 (Standard Condition of Approval 31): Human Remains – Discovery During Construction. Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.	During construction	N/A	Bureau of Building
SCA-CUL-3 (Standard Condition of Approval 32): Property Relocation Pursuant to Policy 3.7 of the Historic Preservation Element of the Oakland General Plan, the project applicant shall make a good faith effort to relocate the historic resource to a site acceptable to the City. A good faith effort includes, at a minimum, all of the following:  a. Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;	Prior to approval of construction- related permit	Bureau of Planning (including Oakland Cultural Resource Survey)	N/A
<ul> <li>Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City;</li> </ul>			
<ul> <li>Maintaining the signs and advertising in place for a minimum of 90 days, and</li> </ul>			Products and the second
d. Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.			

	Mitigation Im	plementation	/Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
<ul> <li>Mitigation Measure CUL-1: Only avoidance of direct effects on historic resources, as would be achieved through Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and Mitigation Measure CUL-1(b) (Future Site-specific Surveys and Evaluations), would reduce impacts on historic resources to a less-thansignificant level. Therefore, if demolition or substantial alteration of historically significant resources is identified by the City as the only feasibly option for development in the Plan Area, even with implementation of Mitigation Measure CUL-1(c) (Recordation and Public Interpretation) and Mitigation Measure CUL-1(d) (Financial Contributions), the impact of adoption of and development under the Plan would be considered significant and unavoidable.</li> <li>Mitigation Measure CUL-1(a), Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures</li> <li>Avoidance. The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers)</li> <li>Adaptive Reuse. If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.</li> <li>Appropriate Relocation. If avoidance or adaptive reuse in situ is not feasible, SCA 56, Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), shall be implemented, as required. Projects that relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact to less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance (e.g., a contributor to a historic distr</li></ul>	Prior to issuance of a demolition permit.  Note: A "Mitigation Compliance Report" was prepared for this project that demonstrated that Mitigation Measure CUL-1(a) was infeasible & CUL-1(b) was not necessary. Please see the "Mitigation Compliance Report" in Attachment G to the CEQA Analysis document.		City of Oakland - Building Services Division, Zoning Inspection
Mitigation Measure CUL-1(b), Future Site-specific Surveys and Evaluations			The state of the s
Although the Plan Area has been surveyed by the City of Oakland's OCHS and as a part of the Broadway Valdez Specific Plan effort by ESA in 2009, evaluations and ratings may change with time and other conditions. There may be previously unidentified historical resources that would be affected by future development activities. For any future projects on or immediately adjacent to buildings 50 years old or older between 2013 and 2038, which is the build-out horizon for the Specific Plan (i.e., by the end of the Plan period, buildings constructed prior to 1988), the City shall require specific surveys and evaluations of such properties to			

	Mitigation Im	plementation/	Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the Secretary of the Interior's Standards. For all historical resources			
identified as a result of site-specific surveys and evaluations, the City shall ensure that future development activities avoid, adaptively reuse, and/or appropriately relocate such historical resources in accordance with Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above. Site-specific surveys and evaluations that are more than 5 years old shall be updated to account for changes that may have occurred over time.			
Mitigation Measure CUL-1 (c), Recordation ad Public			
Interpretation  If Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) is determined infeasible as part of a future project, the City shall evaluate the feasibility and appropriateness of recordation and public interpretation of such resources prior to any construction activities that would directly affect them. Should the City decide that recordation and or public interpretation is required, the following activities will be performed:			
<ul> <li>Recordation. Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires photo- documentation of historic structures, a written report, and/or measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at</li> </ul>			
the Oakland Planning Department and local repositories, such as public libraries, historical societies, and/or the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Plan Area, including those that are relocated pursuant to Mitigation			
Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource.			
Public Interpretation. A public interpretation or art program would be developed by a qualified historic consultant or local artist in consultation with the Landmarks Preservation Advisory Board and the City, based on a City-approved scope of work, and submitted to the City for review and approval. The program could take the form of plaques, commemorative			
markers, or artistic or interpretive displays that explain the historical significance of the properties to the general public.			

	Mitigation In	plementation/	Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Such displays would be incorporated into project plans as they are being developed and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Plan Area.			
Photographic recordation and public interpretation of historically significant properties do not typically mitigate the loss of resources to a less-than-significant level (State CEQA Guidelines Section 15126.4(b)(2)).			
Mitigation Measure CUL-1(d), Financial Contributions			1
If Mitigation Measure CUL-1(a) (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and Mitigation Measure CUL-1(b) (Future Site-specific Surveys and Evaluations) are not satisfied, the project applicant shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Plan Area or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or a Property Relocation Assistance Program.			
This mitigation would conform to Action 3.8 1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff members at the time of approval of site-specific project plans, based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with Mitigation Measure CUL-1(c) (Recordation and Public Interpretation), would not reduce the impacts to less-thansignificant levels.			
Mitigation Measure CUL-5: Implement Mitigation Measure CUL-1.	See above		See above
Geology, Soils and Geohazards			
SCA-GEO-1 (Standard Condition of Approval 33): Construction- Related Permit(s). The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
Zone (Landstide/Liquefaction). The project applicant shall submit a	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building

	Mitigation Implementation/Monitoring		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.			
Hazards and Hazardous Materials			
SCA-HAZ-1 (Standard Condition of Approval 39): Hazardous Materials Related to Construction. The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:  a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;  b. Avoid overtopping construction equipment fuel gas tanks;  c. During routine maintenance of construction equipment, properly contain and remove grease and oils;  d. Properly dispose of discarded containers of fuels and other chemicals;  e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and  f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected	During construction	N/A	Bureau of Building
until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.  SCA-HAZ-2 (Standard Condition of Approval 40): Site Contamination	Prior to approval of construction-	Oakland Fire Department	Oakland Fire Department
The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the	related permit Prior to approval of construction- related permit	Bureau of Building N/A	Bureau of Building

		Mitigation Im	plementation/	Monitoring
Sta	ndard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
b.	project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.  Health and Safety Plan Required  The project applicant shall submit a Health and Safety Plan for review and approval by the City to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.  Best Management Practices Required for Contaminated Sites  The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:  i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils	During construction		
	determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.  ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and			
Mat Haz City shal upd Mat train the Haz app	vapor intrusion into the building.  A-HAZ-3 (Standard Condition of Approval 41): Hazardous erials Business Plan. The project applicant shall submit a cardous Materials Business Plan for review and approval by the r, and shall implement the approved Plan. The approved Plan II be kept on file with the City and the project applicant shall late the Plan as applicable. The purpose of the Hazardous derials Business Plan is to ensure that employees are adequately med to handle hazardous materials and provides information to Fire Department should emergency response be required. Cardous materials shall be handled in accordance with all licable local, state, and federal requirements. The Hazardous erials Business Plan shall include the following:	Prior to building permit final	Oakland Fire Department	Oakland Fire Department

		Mitigation In	nplementation	/Monitoring
Sta	andard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring Inspection
a.	The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.			
b.	The location of such hazardous materials.	<u> </u>		
C.	An emergency response plan including employee training information.			
d.	A plan that describes the manner in which these materials are handled, transported, and disposed.			
Ну	drology and Water Quality			
	A-HYD-1 (Standard Condition of Approval 45): Erosion and limentation Control Plan for Construction.  Erosion and Sedimentation Control Plan Required  The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.  Erosion and Sedimentation Control During Construction  The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.	Prior to approval of construction-related permit During construction	Bureau of Building N/A	N/A Bureau of Building
Con wit by I	A-HYD-2 (Standard Condition of Approval 46): State istruction General Permit. The project applicant shall comply the the requirements of the Construction General Permit issued the State Water Resources Control Board (SWRCB). The project blicant shall submit a Notice of Intent (NOI), Stormwater	Prior to approval of construction- related permit	State Water Resources Control Board; evidence of	State Water Resources Control Board

	Mitigation Im	plementation/	Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.		compliance submitted to Bureau of Building	
SCA-HYD-3 (Standard Condition of Approval 50): NPDES C.3 Stormwater Requirements for Regulated Projects.  a. Post-Construction Stormwater Management Plan Required The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post- Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: i. Location and size of new and replaced impervious surface; iii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv Site design measures to reduce the amount of impervious surface area. v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.  b. Maintenance Agreement Required The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following 1. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of	Prior to approval of construction-related permit Prior to building permit final	Bureau of Planning; Bureau of Building Bureau of Building	Bureau of Building Bureau of Building

	Mitigation Implementation/Monitorin		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.  The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.			
Noise	1	<del></del>	
SCA-NOI-1 (Standard Condition of Approval 58): Construction Days/Hours. The project applicant shall comply with the following restrictions	During construction	N/A	Bureau of Building
concerning construction days and hours:			
a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.			
b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.			
c. No construction is allowed on Sunday or federal holidays. Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.			
Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The			
project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.			
SCA-NOI-2 (Standard Condition of Approval 59): Construction Noise. The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:	During construction	N/A	Bureau of Building

		Mitigation In	plementation	/Monitoring
Star	ndard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
a.	Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acousticallyattenuating shields or shrouds) wherever feasible.			
b. с. d.	Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.  Applicant shall use temporary power poles instead of generators where feasible.  Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.			
e.	The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.			
SCA	-NOI-3 (Standard Condition of Approval 60): Extreme	Prior to approval	Bureau of	Bureau of
Cons u.	Construction Noise Management Plan Required  Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:  i. Erect temporary plywood noise barriers around the	of construction- related permit During construction	Building Bureau of Building	Building Bureau of Building

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		Mitigation Implementation/Monitoring		
Stan	dard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
	construction site, particularly along on sites adjacent to residential buildings;			The second secon
	ii Implement "quiet" pile driving technology (such as pre- drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;			
	iii Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;			Committee of the state of the s
	<ul> <li>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</li> <li>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ul>			
b.	Public Notification Required			
	The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.			
<i>Noise</i> revie track shall mini	-NOI-4 (Standard Condition of Approval 62): Construction complaints. The project applicant shall submit to the City for and approval a set of procedures for responding to and ing complaints received pertaining to construction noise, and implement the procedures during construction. At a mum, the procedures shall include:  Designation of an on-site construction complaint and enforcement manager for the project;  A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures,	Prior to approvat of construction- related permit	Bureau of Building	Bureau of Building
C.	and phone numbers for the project complaint manager and City Code Enforcement unit; Protocols for receiving, responding to, and tracking received complaints; and			
d.	Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.			1

	Mitigation Im	plementation	/Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
SCA-NOI-5 (Standard Condition of Approval 64): Operational Noise Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.	Ongoing	N/A	Bureau of Building
SCA-NOI-6 (Standard Condition of Approval 65): Exposure to Vibration   The project applicant shall submit a Vibration   Reduction Plan prepared by a qualified acoustical consultant for   City review and approval that contains vibration reduction   measures to reduce ground-borne vibration to acceptable levels   per Federal Transit Administration (FTA) standards. The   applicant shall implement the approved Plan during   construction. Potential vibration reduction measures include, but   are not limited to, the following:   a	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building

	Mitigation Im	plementation	/Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Transportation and Circulation			
<ul> <li>Mitigation Measure TRANS-2: Implement the following measures at the Perry Place / 1 580 Eastbound Ramps/Oakland Avenue intersection:</li> <li>Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the PM peak hour</li> <li>Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation.</li> <li>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division and Caltrans for review and approval:</li> <li>Plans, Specifications, and Estimates (PS&amp;E) to modify intersection. All elements shall be designed to City and Caltrans standards in effect at the time of construction and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below:</li> <li>2070L Type Controller with cabinet assembly</li> <li>GPS communications (clock)</li> <li>Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)</li> <li>Countdown pedestrian head module switch out City standard ADA wheelchair ramps</li> <li>Video detection on existing (or new, if required)</li> <li>Mast arm poles, full actuation)</li> <li>Pull boxes</li> <li>Signal interconnect and communication with trenching (where applicable), or through (E) conduit (where applicable) - 600 feet maximum</li> <li>Conduit replacement contingency</li> <li>Fiber Switch</li> <li>PTZ Camera (where applicable)</li> <li>Transit Signal Priority (TSP) equipment consistent with other signals</li></ul>	the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 15 percent of the Development Program is operational and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.  The City of Oakland will notify the Project Sponsor when this threshold is		City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Transportatio n Services Division Caltrans

	Mitigation Imp	plementation	Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.  A straight line interpolation of intersection traffic volume between	This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.		
<ul> <li>measures at the 27th Street/24th Street/Bay Place/Harrison Street intersection:</li> <li>Reconfigure the 24th Street approach at the intersection to restrict access to 24th Street to right turns only from 27th Street, and create a pedestrian plaza at the intersection approach.</li> <li>Convert 24th Street between Valdez and Harrison Streets to two-way circulation and allow right turns from 24th Street to southbound Harrison Street south of the intersection, which would require acquisition of private property in the southwest corner of the intersection.</li> <li>Modify eastbound 27th Street approach from the current configuration (one right-turn lane, two through lanes, and one left-turn lane) to provide one right-turn lane, one through lane, and two left-turn lanes</li> <li>Realign pedestrian crosswalks to shorten pedestrian crossing distances.</li> <li>Reduce signal cycle length from 160 to 120 seconds, and optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).</li> <li>Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</li> <li>Coimplement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</li> <li>PS&amp;E to modify intersection as detailed in Mitigation Measure TRANS-2.</li> </ul>	Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2016 (one year prior to the horizon date) and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.  If investigations in 2016, or subsequent years, as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for		City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Transportatio n Services Division

	Mitigation Implementation/Monitorin		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.  A straight line interpolation of intersection traffic volume between Existing and 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2017. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.	review and approval by the City for implementation of this mitigation. This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.		
<ul> <li>Upgrade traffic signal operations at the intersection to actuated-coordinated operations</li> <li>Reconfigure westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane.</li> <li>Provide protected left-turn phase(s) for the northbound and southbound approaches.</li> <li>Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).</li> <li>Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</li> <li>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</li> <li>PS&amp;E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group.</li> <li>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation.</li> </ul>	Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2023 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.  If investigations in 2023, or subsequent years as stipulated above, show this mitigation is still required, submit Plans, Specifications,		City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Transportatio n Services Division

	Mitigation Implementation/Monitoring		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2024. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.	review and approval by the City for implementation of this mitigation. This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.		
<ul> <li>SCA-TRANS-I: (Standard Condition of Approval 68): Construction Activity in the Public Right-of-Way.</li> <li>a. Obstruction Permit Required  The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.</li> <li>b. Traffic Control Plan Required  In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.</li> </ul>	of construction-related permit Prior to approval of construction- related permit Prior to building permit final	Bureau of Building Public Works Department, Transportatio n Services Division	Bureau of Building Bureau of Building Bureau of Building
C Repair of City Streets  The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.			

	Mitigation Im	plementation/	Monitoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
SCA-TRANS-2 (Standard Condition of Approval 69): Bicycle Parking. The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
SCA-TRANS-3 (Standard Condition of Approval 70):  Transportation Improvements. The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, and pedestrian and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below  a. 2070t. Type Controller with cabinet accessory  b. GPS communication (clock)  c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)  d. Countdown pedestrian head module switch out  e. City Standard ADA wheelchair ramps  f. Video detection on existing (or new, if required)  g. Mast arm poles, full activation)  p. Pull boxes  k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum	Prior to building permit final or as otherwise specified	Bureau of Building; Public Works Department, Transportatio n Services Division	Bureau of Building

		Mitigation In	plementation	/Monitoring
Standard Conditions of Approval/Mitigation	n Measures	When Required	Initial Approval	Monitoring/ Inspection
Conduit replacement contingency				
m. Fiber switch				
n. PTZ camera (where applicable)			99.4.000	
o. Transit Signal Priority (TSP) equipment of signals along corridor	consistent with other			
p. Signal timing plans for the signals in the	coordination group			
SCA-TRANS-4 (Standard Condition of App	roval 71): Parking and	Prior to approval	Bureau of	N/A
Transportation Demand Management.  a. Transportation and Parking Demand Management The project applicant shall submit a Tran Parking Demand Management (TDM) Plapproval by the City.  i. The goals of the TDM Plan shall be ti  Reduce vehicle traffic and parking generated by the project to their practicable, consistent with the parking impacts of the project.  Achieve the following project very (VTR):  Projects generating 50-99 not peak hour vehicle trips: 10 por Projects generating 100 or not p.m. peak hour vehicle trips: Increase pedestrian, bicycle, transportation with City policies and programs  Enhance the City's transportation with City policies and programs  ii. TDM strategies to consider include, by	sportation and an for review and the following: and demand maximum extent potential traffic and whicle trip reductions at new a.m. or p.m. percent VTR more net new a.m. or s: 20 percent VTR asit, and I. All four modes of propriate.	of construction-related permit Prior to building permit final Ongoing	Planning Bureau of Building Bureau of Planning	Bureau of Building Bureau of Planning
the following:  Inclusion of additional long-term bicycle parking that meets the deforth in chapter five of the Bicyc the Bicycle Parking Ordinance (COakland Planning Code), and she facilities in commercial developing	n and short-term esign standards set le Master Plan and chapter 17:117 of the lower and locker			
requirement.  Construction of and/or access to Bicycle Master Plan; construction bikeways, on-site signage and bi Installation of safety elements po Master Plan (such as crosswalk scount down signals, bulb outs, e	n of priority ke lane striping, er the Pedestrian striping, curb ramps,			

	Mitigation Implementation/Monitoring			
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection	
convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.  Installation of amenities such as lighting, street trees,				
and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.				
<ul> <li>Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.</li> </ul>				
<ul> <li>Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).</li> </ul>				
<ul> <li>Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.</li> </ul>			A Control of the Cont	
<ul> <li>Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1)</li> <li>Contribution to AC Transit bus service; 2)</li> <li>Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).</li> </ul>				
<ul> <li>Guaranteed ride home program for employees, either through 511.org or through separate program.</li> </ul>				
<ul> <li>Pre-tax commuter benefits (commuter checks) for employees.</li> </ul>			The state of the s	
<ul> <li>Free designated parking spaces for on-site car- sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.</li> </ul>				
<ul> <li>On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.</li> </ul>				
<ul> <li>Distribution of information concerning alternative transportation options.</li> </ul>				
<ul> <li>Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.</li> </ul>				

		Mitigation Im	plementation	Monitoring
Sta	andard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
St:	<ul> <li>Parking management strategies including attendant/valet parking and shared parking spaces.</li> <li>Requiring tenants to provide opportunities and the ability to work off-site.</li> <li>Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).</li> <li>Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours.</li> <li>The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</li> <li>TDAI Implementation - Physical Improvements</li> <li>For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</li> <li>TDM Implementation - Operational Strategies</li> <li>For projects that generate 100 or more net new a.m. or p.m.</li> </ul>	When Required	Approval	Inspection
	peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.			

	Mitigation Im	Mitigation Implementation/Monitoring			
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection		
Utilities and Service Systems					
SCA-UTIL-1 (Standard Condition of Approval 74): Construction and Demolition Waste Reduction and Recycling. The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.	Prior to approval of construction- related permit	Public Works Department, Environment al Services Division	Public Works Department, Environment al Services Division		
SCA-UTIL-2 (Standard Condition of Approval 75): Underground Utilities. The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.	During construction	N/A	Burcau of Building		
SCA-UTIL-3 (Standard Condition of Approval 76): Recycling Collection and Storage Space. The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.	, ,	Bureau of Planning	Bureau of Building		

	Mitigation Im	Mitigation Implementation/Monitoring			
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection		
Standard Conditions of Approval/Mitigation Measures  SCA-UTIL-4 (Standard Condition of Approval 77): Green Building Requirements  n. Compliance with Green Building Requirements During Plan-Check The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).  i. The following information shall be submitted to the City for review and approval with the application for a building permit:  • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.  • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.  • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.  • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.  • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.  • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance.  • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance.  • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance.  • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance.		Initial	Monitoring/		
<ul> <li>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</li> <li>CALGreen mandatory measures.</li> <li>All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.</li> </ul>					

		Mitigation Implementation/Monitoring			
Sta	andard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection	
<b>b</b> .	<ul> <li>Minimum of 23 points per the appropriate checklist approved during the Planning entitlement process.</li> <li>All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.</li> <li>The required green building point minimums in the appropriate credit categories.</li> <li>Compliance with Green Building Requirements During Construction</li> <li>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building</li> </ul>				
	Ordinance during construction of the project.  The following information shall be submitted to the City for review and approval:  i. Completed copies of the green building checklists				
	<ul> <li>approved during the review of the Planning and Zoning permit and during the review of the building permit.</li> <li>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</li> </ul>				
	iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.				
•	Compliance with Green Building Requirements After Construction Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Build It Green and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.				
Sys Sev acc Gui pro the	A-UTIL-5 (Standard Condition of Approval 79): Sanitary Sewer Item. The project applicant shall prepare and submit a Sanitary wer Impact Analysis to the City for review and approval in ordance with the City of Oakland Sanitary Sewer Design idelines. The Impact Analysis shall include an estimate of preject and post-project wastewater flow from the project site. In event that the Impact Analysis indicates that the net increase in ject wastewater flow exceeds City-projected increases in	Prior to approval of construction- related permit	Public Works Department, Department of Engineering and Construction	N/A	

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring				
	When Required	Initial Approval	Monitoring/ Inspection		
wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.					
SCA-UTIL-6 (Standard Condition of Approval 80): Storm Drain System: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building		

# ATTACHMENT D

# <u>Updated</u> Demolition Findings Report Biff's Coffee Shop 315 27<sup>th</sup> Street, Oakland, CA

# PREPARED FOR:

City of Oakland, Bureau of Planning

# PREPARED BY:

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October 2015 January 2016



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APPENDIX B Updated Historic Assessment of Biff's Coffee Shop

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# LIST OF ACRONYMS AND ABBREVIATIONS

Biff's Coffee Shop structure that housed the former Biff's Coffee Shop

BVDSP, or Plan Broadway Valdez District Specific Plan

CEQA California Environmental Quality Act

CHRIS California Historical Resources Information System

City Oakland, California

EIR environmental impact report

gsf gross square feet

LPAB Landmarks Preservation Advisory Board

NEPA National Environmental Policy Act

OHP Office of Historic Preservation

proposed project Broadway & 27th Project

SHPO the State Historic Preservation Officer

SHRC State Historical Resources Commission

			·		

#### 1.0 INTRODUCTION

This Demolition Findings Report has been prepared in anticipation of the proposed Broadway & 27th Project (proposed project) in Oakland, California (City). This report is based on findings from Page & Turnbull's visual inspection of the structure that housed the former Biff's Coffee Shop (Biff's Coffee Shop) at 315 27th Street in May, June, and September of 2015, the Historical Mitigation Compliance Analysis for the Broadway & 27th Project, the Economic Assessment of Biff's Coffee Shop Development Alternatives<sup>2</sup> in Appendix A, and the Updated Historic Assessment of Biff's Coffee Shop included in Appendix B.

As shown in Figure 1, the project site is in the western portion of Oakland and generally bounded by 27th Street immediately to the north, 26th Street to the east and south, and Broadway to the west. The site is within the area of the Broadway Valdez District Specific Plan (BVDSP, or Plan) and the Valdez Triangle. It is also a Retail Priority Site, meaning that there are restrictions on residential development that favor retail development.

The proposed project would include construction of a mixed-use residential and retail building with an area of approximately 423,577 gross square feet (gsf). The terraced seven-story building (maximum height of 85 feet) would be built above 2.5 levels of subterranean parking. The proposed project would include approximately 255 residential units and up to 37,710 gsf of retail, including the potential for approximately 9,400 gsf of mezzanine retail depending tenant demand. The proposed project would include demolition of Biff's Coffee Shop, which is a historic resource under the California Environmental Quality Act (CEQA). Biff's Coffee Shop is a single story, 5,288 square foot building located in the eastern portion of the project site along 27th Street. Photographs of Biff's Coffee Shop from 1964, the 1970s, and modern day are included in Appendix C.

#### 1.1 SUMMARY OF HISTORIC STATUS

## Oakland Cultural Heritage Survey

Biff's Coffee Shop received a rating of \*b+33 from the OCHS. The Historic Preservation element of City of Oakland General Plan Policy 1.2 states that any property that receives an "existing" or "contingency rating" of A, B, or C and is not already designated as a Landmark, Preservation District, or Heritage Property, will be designated a Potential Designated Historic Property.

<sup>1</sup> ICF International and Page & Turnbull. 2015. Historical Mitigation Compliance Analysis for the Broadway & 27th Project. September.

Berkson Associates, 2015. Economic Assessment of Biff's Coffee Shop Development Alternatives, 315-27th Street, Oakland, CA. September 30.

The "\*" is the existing individual property rating for the building, indicating that it was not rated because of age ineligibility. The "b+" is the individual property contingency rating for the building, which is given when it is believed that future conditions or circumstances could significantly change (e.g., "if restored" or "when older" or "with more information"); in this case, the contingency rating indicates that the building could be assigned and given a rating of "B+," which is a rating of "major importance." The "3" is the multiple property rating for the building, indicating that it is not located within a historic district.

On January 13, 1997, the City of Oakland Landmarks Preservation Advisory Board (LPAB) determined from the findings of the OCHS that Biff's Coffee Shop was eligible to be a City Landmark, although the board decided not to put forward its nomination to the Planning Commission.

According to the 1996 OCHS form, Biff's Coffee Shop is significant,

... for its design quality and materials and type/style and designer. It is not located in a district (3). Its survey rating makes it a historic property under Oakland's Historic Preservation element. At present, it does not appear eligible for individual listing on the National Register.

#### The California Historical Resources Information System

The California Historical Resources Information System (CHRIS) is a statewide system for managing information on the full range of historical resources in California. CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals, 12 information centers, the CHRIS Hub, and various agencies. The system is under the authority and direction of the Office of Historic Preservation (OHP), the State Historic Preservation Officer (SHPO), and the State Historical Resources Commission (SHRC). The 12 information centers provide archeological and historical resources information to local governments and individuals with responsibilities under the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA).

Biff's Coffee Shop is listed in the CHRIS database as having a status code of 7R, which indicates that the property is "Identified in Reconnaissance-Level Survey: Not Evaluated."

# Oakland Heritage Property Status

According to the Historic Preservation element of the City of Oakland General Plan (Appendix A: Definitions, page A-3), Heritage Property status pertains to properties that appear to be potentially eligible for Landmark of Preservation District designation because they received an existing or contingency rating of A, B, or C from an intensive survey or an existing or contingency rating of A or B from a reconnaissance survey or contribute or potentially contribute to an area that is potentially eligible for Preservation District designation. Heritage Properties are designated by the Landmarks Preservation Advisory Board or the City Planning Commission (or provisionally by the Planning Director). Demolition or removal of Heritage Properties and specified major alterations may be postponed for up to 60 days, with a possible 60-day extension, at the discretion of the Planning Director.

Biff's Coffee Shop has Heritage Property status because of a Landmarks Preservation Advisory Board determination of local register eligibility on January 13, 1997. Following guidance provided in Appendix A, Guidance on Historical Resources, of the City of Oakland CEQA Thresholds of Significance Guidelines, dated October 28, 2013, the building is considered a "historic resource" under CEQA.

Figure 1
Project Location
Broadway and 27th Project



#### 1.2 CATEGORY 1 BUILDINGS AND DEMOLITION FINDINGS

Under a Regular Design Review application submission to demolish a historic structure in the City of Oakland, findings are required by Section 17.136.075 of the Planning Code. Separate findings are required for the demolition of three different categories of historic structures:

- Category I includes any Landmark; Heritage Property; property rated "A" or "B" by the OCHS; or Preservation Study List Property. This category excludes any property that falls into Category II.
- Category II includes properties in an S-7 or S-20 zone or an API. Any building in the boundary of such a district, including those that do not contribute to the historic quality of the district, falls into this category.
- Category III includes properties rated "C" by the OCHS, or contributors to an ASI. This category excludes any property that falls into Category II.

Biff's Coffee Shop falls under Category I because of its Heritage Property status. A proposal to demolish a Category I historic resource must meet Finding I or Finding II, and also meet both Findings III and IV, below. Findings for the proposed project are provided below under Findings I, III, and IV. Finding II, which applies when a project constitutes a hazard and is economically infeasible to rehabilitate, does not apply to the proposed project.

Finding I: The existing property has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return.

Finding III: The design quality of the replacement facility is equal/superior to that of the existing facility. Analysis prepared by a historic architect or professional with equivalent expertise.

Finding IV: It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

# 2.0 DEMOLITION FINDING I ANALYSIS

Finding I: The existing property has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return.

1. Building Use - Economic Viability

A detailed cost estimate report for rehabilitation of Biff's Coffee Shop is included in Table A-1 in the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A.

A The current use does not generate a reasonable economic return (may include market report of like uses and building scale in the same or similar neighborhood);

According to the BVDSP Environmental Impact Report (EIR),<sup>4</sup> the project site is "underutilized." This means that, given the area's urban context and its development potential, the site's use represents a relatively low level of development intensity. The project site includes a surface parking lot, auto-service land uses, and the former Biff's Coffee House structure, which has been vacant since 1996 and is in a general state of disrepair. Because Biff's Coffee Shop is vacant, its current use does not generate a reasonable economic return.

b. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return;

According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A and as discussed below, both Option 1 (Avoidance)<sup>5</sup> and Option 2 (Adaptive Reuse)<sup>6</sup> cannot generate a reasonable economic return because the value created by either scenario cannot cover the development costs, rendering these scenarios financially infeasible.

c. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return; and

ESA (Environmental Science Associates). 2013. Broadway Valdez District Specific Plan, Draft Environmental Impact Report. SCH. No. 2012052008. September.

ESA (Environmental Science Associates). 2014. Broadway Valdez District Specific Plan, Responses to Comments and Final. May. (These documents can be obtained at the Bureau of Planning at 250 Frank Ogawa Plaza, #3115, or online at http://www2.oakland.net.com/Government/o/PBN/OurServices/Plans/DOWD008194.)

Under Option 1 (Avoidance), a new multi-story mixed-use building would be built to the west of Biff's Coffee Shop. The existing Biff's Coffee Shop building would remain and be restored as a freestanding structure on a separate parcel. The restored building would reestablish the original restaurant use.

<sup>&</sup>quot;Under Option 2 (Adaptive Reuse), a new multi-story mixed-use building would be built to the west and south of Biff's Coffee Shop. Only the exterior shell of Biff's Coffee Shop would remain. The restored building shell would be structurally connected to the new mixed-use structure and on the same parcel. The restored building would have a retail use, with the future tenant providing new interior tinishes. Option 2 assumes that no historic interior finishes would remain.

# Restaurant Use (Rehabilitation of Biff's Coffee Shop for Operation as a Restaurant)

According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, the rehabilitation of Biff's Coffee Shop for operation as a restaurant would not generate a reasonable economic return. Specifically, the costs associated with the rehabilitation of Biff's Coffee Shop for operation as a restaurant and to restore its historical integrity (\$4.0 million) would exceed the potential revenues and value of a freestanding restaurant operation (\$2.5 million). With a shortfall of approximately \$1.5 million and a negative return on investment (-37.9 percent), investment capital will not flow to the rehabilitation of Biff's Coffee Shop for operation as a restaurant because it would not produce value sufficient to fund its costs and generate reasonable returns to the investor.

Another factor that could effectively prevent the rehabilitation Biff's Coffee Shop for operation as a restaurant is the land value produced to the property owner. The return and corresponding land value of an approximately 5,000-sf operating restaurant, even if financially viable, is likely to be less than the annual revenues and land value that is and can continue to be derived from leasing the majority of the project site for vehicle parking. The parking option requires no further investment, improvements, or risk. Consequently, the landowner has no incentive to undertake a renovation even if a restaurant renovation were financially viable.

Overall, the rehabilitation Biff's Coffee Shop for operation as a restaurant, notwithstanding the inability for revenues to cover costs, would generate a land value that is less than the value to be gained by using the project site for leased parking, which further reduces economic motivations to restore Biff's Coffee Shop.

#### Restaurant Use (Option I [Avoidance])

According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, Option 1 (Avoidance) would not generate a reasonable economic return. Specifically, the total value of Option 1 (\$91.8 million) does not cover development costs (\$108.8 million) and the shortfall is approximately \$17 million. Although the restoration of Biff's Coffee Shop concurrent with a larger project on the site could benefit from certain cost efficiencies, the restoration of Biff's Coffee Shop would still require a subsidy. Therefore, overall, Option 1 would not be financially feasible.

#### Retail Use (Option 2 [Adaptive Reuse])

According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, Option 2 (Adaptive Reuse) would not generate a reasonable economic return. Specifically, Option 2 only produces a total value of \$134.9 million, which is insufficient to cover its development costs of \$141.1 million. This shortfall of approximately \$6.2 million makes Option 2 financially infeasible.

d Potential Federal Tax Credits, Mills Act Contracts, Facade Grants, Transfer of Development Rights or other funding sources are not feasible to bridge the gap identified above.

The restoration of Biff's Coffee Shop potentially could qualify for and benefit from various programs intended to improve the financial feasibility of historical renovations. Programs include federal tax credits and Mills Act property tax reductions, as discussed below:

- Federal Tax Credits Historic preservation tax credits are provided by the federal government to encourage the preservation and adaptive reuse of certified historic and older buildings (built before 1936). There are two types of historic preservation tax credits that are available for use on rehabilitation projects: 10 percent and 20 percent. The 20 percent credit is able to be applied to designated historic properties and may be applied to both hard and soft costs. In order for the 20 percent credit to be used, the proposed project would need to be compliant with the Secretary of the Interior's Standards for Rehabilitation and the proposed project would need to be reviewed and approved by the State Historic Preservation Office and the National Park Service. In addition, the proposed project would need to get listed on the National Register at the completion of the project. The 10 percent credit applies only to properties that were placed in service before 1936 and do not have a historic designation. As such, the proposed project would not be able to use the 10 percent tax credit, as it has a designated historic status as an Oakland Heritage Property and was built after 1936.
- Mills Act Property Tax Reductions The Mills Act provides ten years of reduced property tax in return for historic rehabilitation for buildings in the City. Eligible buildings require a historic designation by the City. The Mills Act allows for the assessment of property based on the "income approach"; in some cases, particularly residential property, the resulting value may be less than the market value or sales price. However, there generally is minimal benefit to commercial properties which are typically valued and assessed based on potential income in any case. The Mills Act calculation generally uses a higher cap rate to determine value than most market transactions, resulting in a lower assessed value. The financial review assumes that the benefits of the property tax reduction, although received by the tenant through the triple-net lease, will pass-through to higher lease revenues that can be paid to the building owner. The Mills Act could apply to the restoration of Biff's Coffee Shop and, as such, the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A assumes the Mills Act property tax benefit would apply.

# 2. Building Soundness Report

As required as part of the Demolition Findings submittal requirements, this section was prepared based upon information provided by Page & Turnbull as part of their analysis of the existing building conditions and estimated repair costs, and is the Soundness Report for the proposed project.

Constructed in 1962-63, Biff's Coffee Shop was designed in a modern "Googie Style" for a use as a restaurant. The building has a radial floor plan and featured an open kitchen. There are large north-facing windows that originally opened onto a planted perimeter landscape. As originally envisioned and built, the building had an appearance similar to a flying saucer with the large extents of glass and a cement plaster fascia with a sparkle finish. During the period of occupancy, the exterior character-defining features of the building were modified. Specifically, the decorative plaster fascia was painted and then a

later covering of the fascia with wood shingles in 1975. For additional history of Biff's Coffee Shop regarding to the property's condition, refer to the *Updated Historic Assessment of Biff's Coffee Shop* included in Appendix B.

Biff's Coffee Shop has been empty since the restaurant ceased operation in approximately 1996. Since the date of closing, the property has suffered from a combination of selective salvage and removal as well as vandalism and neglect. Restaurant fixtures and equipment that were an integral part of the building interior were sold off and removed from the property, including custom kitchen hoods, stoves and coolers as well as custom banquettes and tables in the dining room. Vandals removed almost all salvageable metal items, including electrical wiring, plumbing pipes, mechanical ductwork, and plumbing fixtures. The removal of the mechanical ductwork created roof openings that created water damage to the roofing and structural system. Additional water damage occurred at battered exterior walls, which appear to require full replacement. The location, in the City's urban core, became target for graffiti. Subsequent overpainting to cover up the graffiti was detrimental to the building's characterdefining materials. The glazed exterior openings are entirely covered over with protective plywood in an effort to preserve glazing. Toilet rooms and interior finishes suffer from vandalism and water damage. The character-defining terrazzo floor system was badly damaged by the removal of under-slab pipes and by the removal of the original fixtures. None of the original lighting fixtures remain. Overall, Biff's Coffee Shop still exists as a shell that is covered in plywood and overpainting. There is very little extant historic finish material, fixtures, or equipment remaining on the building's interior or exterior.

Soundness, as defined, is "an economic measure of the feasibility of repairing construction deficiencies. It compares an estimate of construction-repair cost called the upgrade cost to an estimate called the replacement cost." The proposed project does not seek to replace Biff's Coffee Shop with a similar-sized freestanding restaurant building, nor does it seek to repair any existing building deficiencies. Rather, the project applicant seeks to demolish a vacant, underutilized building in order to build a mixed-use project consisting of a seven stories with a large ground floor retail floor plate that conforms to the BVDSP zoning and vision. Therefore, the exercise of comparing the cost of upgrading the Biff's Coffee Shop structure to its replacement cost is not necessarily appropriate for the proposed project since a similar type of building is not being proposed. The Soundness Report requires a comparison of costs in order to identify and distinguish "original construction deficiencies" from those "elements needing repair." This circumstance does not apply to Biff's Coffee Shop. In addition, a building's "unsoundness" is not a prerequisite for demolition which is contemplated under the proposed project. Although the preparation of a Soundness Report is not necessarily appropriate in this instance, a Soundness Report was prepared for informational purposes.

Table 1 provides the results of the Soundness Report, including the replacement cost, primary upgrade cost, and the secondary upgrade cost. An unsound structure is "where the primary upgrade costs" construction deficiencies exceeds 50 percent of its replacement cost or the primary plus secondary

City of Oakland Soundness Report Requirements.

According to the City of Oakland Soundness Report Requirements, primary upgrade cost is an estimate of the cost to make the existing structure usable.

upgrade cost\* exceeds 75 percent." As shown, in accordance with the City of Oakland Soundness Report Requirements, although the primary upgrade cost of Biff's Coffee Shop (\$297,787) is less than 50 percent of its replacement cost (\$498,368), the building is determined to be unsound because the primary upgrade cost plus the secondary upgrade cost (\$297,787 + \$1,117,956 = \$1,415,743) exceeds 75 percent of the structure's replacement cost (\$747,551).

Table 1. Soundness Report Costs

Item	Cost		
Replacement Cost <sup>a</sup>	\$996,735		
50 Percent of Replacement Cost	\$498,368	_	
75 Percent of Replacement Cost	\$747.551		
Primary Upgrade Costh	\$297,787		
Secondary Upgrade Cost <sup>o</sup>	\$1,117,956		
Primary + Secondary Upgrade Cost	\$1,415,743		

#### Notes:

- The replacement cost is based on the 2015-2016 City of Oakland Building Services Construction Valuation for Building Permits, using the current costs for restaurant structures with occupancy of 50 people or more.
- <sup>6</sup> The items included in the calculation of the primary upgrade cost and the secondary upgrade cost are detailed in Table 2.

Source: Page & Turnbull, 2015.

Table 2 provides a summary of the items that were included in the estimates of the primary upgrade cost and the secondary upgrade cost. A list of the items included in the primary upgrade cost and the secondary upgrade cost is included in Appendix D.

Table 2. Summary of Items Included in the Primary Upgrade Cost and the Secondary Upgrade Cost for the Soundness Report

Primary Upgrade Cost <sup>a</sup>	Secondary Upgrade Cost		
Site Construction			
<ul> <li>Demolish flat roof and decking</li> <li>Demolish existing storefront system</li> </ul>	<ul> <li>Clean-up and haul-off</li> <li>Gas services</li> <li>Water</li> <li>Sanitary sewer</li> </ul>		
Concrete			
Repour busted slab-on-grade	Rails for ramps/stairs (building)		
Metals			
Miscellaneous/structural steel	None		

According to the City of Oakland Soundness Report Requirements, secondary upgrade cost is an estimate of the cost of functional repairs attributable to lack of maintenance.

Primary Upgrade Cost	Secondary Upgrade Cost			
Wood and Plastics				
Roof repairs	<ul><li>Rough carpentry</li><li>Vanity cabinets</li></ul>			
Thermal/Moisture Protection				
<ul> <li>Spray insulation under roof</li> <li>Fire proofing (steel)</li> <li>Shake roof system</li> <li>Modified bituminous roofing system</li> <li>Sheet metal flashing and trim</li> </ul>	None			
Doors and Windows				
<ul> <li>Storefront glass (retail)</li> </ul>	None			
Finishes				
• Dumpsters	<ul><li>Common/miscellaneous labor</li><li>Plaster/stucco (soffits)</li><li>Plaster to replace shake roof</li></ul>			
Specialties				
None	<ul><li>Toilet accessories (public)</li><li>Fire extinguishers/cabinets</li></ul>			
Equipment				
Trash compactors	Food service equipment			
Mechanical				
None	<ul> <li>Fire protection (building)</li> <li>Plumbing (building)</li> <li>Plumbing (retail grease trap)</li> <li>HVAC</li> </ul>			
Electrical				
None	Electrical			

#### Notes:

General construction costs (e.g., office rental, equipment rental, etc.) were calculated to be approximately 15 percent of the total construction costs. In addition to the items identified in this table, approximately 15 percent of the primary upgrade cost was added to the primary upgrade cost to calculate the total primary upgrade cost. Similarly, approximately 15 percent of the secondary upgrade cost was added to the secondary upgrade cost to calculate the total secondary upgrade cost.

Source: Page & Turnbull. 2015.

## 3. Building Maintenance History

 $\alpha$ —Is the building free of a history of serious, continuing code violations?

Biff's Coffee Shop is free of a history of serious, continuing code violations.<sup>10</sup>

b. Has the building been maintained and stabilized?

As described in the building soundness analysis above, Biff's Coffee Shop has been empty for approximately 19 years. During this time, the building has not been used as a restaurant but appears to have been used as a storage area for auto dealers that have operated on the surrounding parking lot. The building is secured with plywood coverings at the openings and a provisional padlock system at the doors, however the building has been subject to vandalism and theft of salvageable materials over the previous 19 years. It does not appear that any maintenance other than the installation of protective plywood has occurred since the last restaurant occupancy. Graffiti and the occasional occupation by vagrants are the only issues related to Biff's Coffee Shop. 11

- 4. Existing Building Appraised Value.
  - Any listing of the property for sale or rent price asked, and offers received, if any, within the previous two years; and
  - b Biff's Coffee Shop has not been listed for sale or rent, nor have any offers been received, within the previous two years. The project site, which includes Biff's Coffee Shop, is currently leased to Volkswagen of Oakland for inventory parking. Volkswagen of Oakland has leased the project site for over two years. The developer of the proposed project is under contract to purchase the project site, but the project site has not been listed for sale since 2009. Existing Building/Property Appraisal (current within the last six months):

An appraisal of Biff's Coffee Shop is included in Appendix E.

#### 5. Public Benefits

- a. The benefits to the City's tourism industry;
- b. The benefits to owners of other commercial and residential property owners and renters in the area;
- c. The serviced provided to the community, including social services;
- d. Housing and jobs opportunities;
- e. Civic, community, and neighborhood identity;
- L. Cultural heritage and the image of the City and local neighborhood; and
- g. Educational opportunities and cultural benefits regarding architectural and local history.

According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, the potential economic and fiscal benefits to the City, including new tax revenues, are significantly greater for the proposed project (which would demolish Biff's Coffee Shop) compared to the potential economic and fiscal benefits that could be generated by a rehabilitated Biff's Coffee Shop.

Voltmann, Peterson, Planner III, City of Oakland, Bureau of Planning, pers. communication, September 24, 2015.

<sup>10</sup> Vollmann, Peterson, Planner III, City of Qakland, Bureau of Planning, pers. communication, September 24, 2015.

Table 3 provides a comparison of some of the estimated economic and fiscal benefits of the proposed project and a rehabilitated Biff's Coffee Shop.

Table 3. Summary of Estimated Economic and Fiscal Benefits

Item	Rehabilitated Biff's Coffee Shop	Proposed Project	
Development Value			
Total Value	\$2,480,000	\$165,122,000	
Development Cost	\$4,431,738	\$126,683,100	
Households, Income, Expenditures	A command desired to the desired to the second of the seco		
New Households	0	255	
Total Household Income	0	\$26,753,000	
Household Retail Expenditure	0	\$8,025,900	
Retail	The state of the s		
New Retail/Restaurant Space	5,288 sf	37,710 sf	
Retail/Restaurant Sales	\$1,586,400	\$11,313,000	
Jobs			
Total Jobs	18 jobs	143 jobs	
Construction Jobs	18 jobs	515 jobs	
City Revenues			
Ongoing Annual Revenues to the City	\$26,600	\$862,650	
One-Time Revenues	\$37,200	\$2,476,800	

Source: Berkson Associates. 2015. Economic Assessment of Biff's Coffee Shop Development Alternatives, 315 27th Street, Oakland, CA. September 30.

Other than the economic benefits identified in Table 1, a rehabilitated Biff's Coffee Shop is unlikely to have a significant impact on economic value or activity in the project area. As described in Subsection 1.1 above, the building is not located within a historic district. The *Historical Mitigation Compliance Analysis for the Broadway & 27th Project*, 12 "... integrity of the immediate setting for Biff's Coffee Shop has been significantly lowered. Although Biff's Coffee Shop is situated in Oakland's Broadway Auto Row, the building is set well back from Broadway on the east portion of its site. The building is viewed primarily from 27th Street where the circular sweep of the building touches the sidewalk on the site's northeasterly side." Although the integrity of the broader setting "remains generally strong" with the rehabilitation of Biff's Coffee Shop, no significant benefit to local tourism, spending or property values of other properties would occur.

#CE 00323 15

<sup>🖖</sup> ICF International and Page & Turnbull. 2015. Historical Mitigation Compliance Analysis for the Broadway & 27th Project. September.

## 3.0 DEMOLITION FINDING III ANALYSIS

Finding III: The design quality of the replacement facility is equal/superior to that of the existing facility. Analysis prepared by a historic architect or professional with equivalent expertise.

Ending III requires that the proposed project's design quality is "equal/superior to" that of the "existing facility." Consequently, it is important to understand the point of comparison for the following analysis prepared by Page & Turnbull.

A strict interpretation of the words of Finding III would suggest that the point of comparison for the Texisting facility is that of the building in its current state, as it existed at the time of the project application (July 31, 2015), as shown below in Figure 2:



Figure 2 (Biff's as of date of application - July 31, 2015). Credit: Page & Turnbull.

A more generous interpretation, however, could measure the point of comparison for the "existing tachty", as the building's design quality for the majority of its life from the mid-1970's to present, as placed, to higher a below



Figure 3 (Biff's CIRCA 1970s -- present). Credit: Quirky Berky.

The design in Figure 3 above shows the significant alterations to the original Biff's building characterized by the 1973 covering of the original plaster roof fascia with wood shingles that created a mansard-like appearance, as well as the replacement of the exterior metal and plexi-glass light fixtures with curved, wood slatted fixtures.

Importantly, for purposes of this Finding III analysis, any evaluation of the proposed project's design smality relative to the architect's postcard rendering (see Figure 4 below) would not be an appropriate point of comparison because Biff's never existed as such, so it would be improper to compare the proposed project to a mere design concept that was never actually constructed. Moreover, comparing the proposed project to Biff's as it existed in the 1960's (see Figure 5 below) also would be inappropriate in light or the significant alterations done to the building that reflect its actual look and feel for the past 40 years.

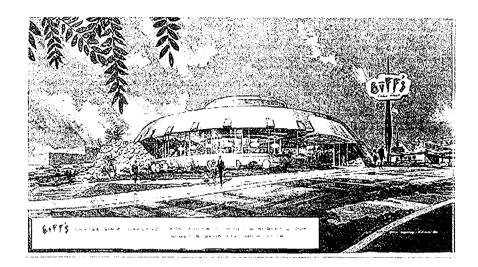


Figure 4 (Architect's postcard rendering; not actually constructed)

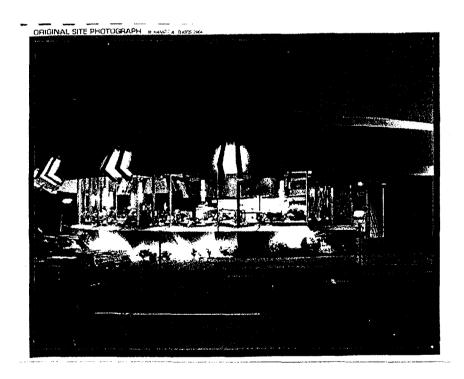


Figure 5 (Biff's CIRCA 1960s), Credit Armet & Davis.

Consequently, in its professional judgment. Page & Turnbull chose to compare the proposed project to the design depicted in Figure 3 above, which encapsulates the look and feel of the Biff's building for the past 40 years—the majority of its life.

1. A clearly identifiable visual or design value. For instance, does the replacement proposal express its present character as strongly as the historic design expressed its past?

As shown in the elevations dated October 4 <u>December 9</u>, 2015, the design of the proposed project is an expression of its place in time and incorporates many elements of contemporary modern architecture, as well as subtle references to mid-century modern design.

The building responds to its context and function through its massing, use of materials and color and the inclusion of fine-grain, pedestrian scaled detailing (e.g., the dark brick columns and metal awnings announcing the prominent retail along Broadway, which transitions to canted columns and a mid-century modern inspired, continuous horizontal canopy awning as the façade traverses 27th Street towards the retail plaza on Valdez Street). The proposed project design features a vertical tower element anchored by a thin, vertical fin featuring distinctive

Occupying an important and visible block within the tabric of downtown Oakland: the design addresses the major corners with distinctive but complementary design features. The proposed project design features a strong vertical tower element to anchor the corner of Broadway and 27<sup>th</sup> Street, and a more horizontal façade organization at the corner of Valdez Street and 27<sup>th</sup> Street, taking cues from mid-century modern design without attempting to mimic the detailing of the existing building. By introduction of pedestrian-oriented retail at the base of the proposed building, the project would will serve as a pedestrian bridge from the upper Broadway area to pedestrian-friendly Webster-Valdez Street.

The existing Biff's Coftee Shop (Figure 3, Biff's CIRCA 1970s ... present) was constructed with a distinctive circular form to appeal to passing motorists, and it is recognized as a unique example of coadside an intercrure. While occupying the same site, the proposed project ofters an interpretation of modern architecture idioms (e.g. prominent horizontal elements, clean surfaces, bands of glazing) that are surface a pedestrian environment, by providing simple, but attractive, ground-level storetronts and a visually interesting arrangement of fenestration and design elements.

2. Durability, quality, and design value of surface materials. Durable and quality materials include, but are not limited to: stone, granite, marble, concrete, highest quality and detailed glass curtain wall, terra cotta or other materials appropriate to the design style if the building or context of the neighborhood. In terms of design value, are materials in the replacement building used to enhance the architectural design elements of the building instead of used solely for the sake of variety?

High-quality materials would be used throughout the proposed project, including brick, glass, storefront, window wall, metal panels, cementitious panels, and cement plaster. Changes in materials and color would be used to reinforce major building massing elements and are complementary of the architectural composition. These differences in materials and transparency between the ground-level storefronts and upper-level residential areas clearly articulate a design hierarchy that is appropriate to the project's multiple programs. For example, White white would be used as the primary color, which reinforces the clean modern design and increases the contrast with the more vibrant colors of the major vertical

elements. Color transitions would be accompanied by a change in material and texture to add further visual richness to the proposed building. The design of the proposed project features a pedestrian-scaled brick base throughout. Brick was chosen to pay homage to the brick facades of the nearby historic Auto Row District.

#### 3. Significant enhancement of the visual interest of the surrounding area;

The project area is predominantly-dominated by surface parking lots utilized by-for automobile sales, Jispiax, and storage (as is the site of the proposed project) dealerships. In the greater context, the design of the proposed project enhances the visual environment of the neighborhood by its recognition of, and response to, the site's importance in the urban fabric. A strong vertical tower element provides emphasis at the intersection of Broadway and 27<sup>th</sup> Street. The façades of 27<sup>th</sup> and Valdez Streets are subtly curved to reflect the shape of those roadways. In addition, the proposed project would enhance the pedestrian experience by eliminating the existing vehicular access points and by providing automobile buffering street trees and sustained retail presence. A pedestrian-serving outdoor area in the form of an expanded sidewalk with street furniture and street trees would be provided on the southeast facing sidewalk along Valdez Street. For both residential and retail parking, egges and ingress would be the driveway on 26<sup>th</sup> Street, so the pedestrian, and retail serving uses at the other facades are enhanced.

An iconic tower element, featuring a sloping top, lighted vertical fin and a window wall system arranged in a Mondrian pattern, anchors the intersection of Broadway and 27° Street, which is the most important corner of the site. The design of the 27° Street elevation is broken down into two segments, one segment between the vertical element at the residential entry and Broadway and one façade extending from the residential entry and wrapping around to the Valdez Street Broadway and one façade extending from the residential entry and wrapping around to the Valdez Street Broadway intersection is composition not only reduces the visual scale of the building, but allows for a more natural response to the change in grade along 27° Street. The segment nearest the 27° Street Broadway intersection is composed as a white grid with darker intill that incorporates the elements of the color and Mondrian patterning of the corner tower; the segment that wraps around to Valdez Street is composed in a more horizontal manner with a continuous canopy at the pedestrian level and canted columns reminiscent of the mid-century modern aesthetic.

At street level, the design of the proposed project will enhance the neighborhood environment by providing pedestrian oriented retail, street trees, awnings and canopies, widened sidewalks, and enhanced quality majorials that respond to the various facades. The organization of the ground level plan minimizes the impact of vehicular acress and service functions by segregating them from the important result streets and instead grouping, their along 20. Street.

#### 4. High quality detailing;

The design of the proposed project is further enhanced by attention to detail. Special attention was given to the pedestrian retail experience and the way that the stone and masonry materials at the building base interface with the retail storefronts and canopies. The stone and masonry were selected for both their human-friendly warmth and for their durability.

5 Composition. A well-composed building integrates all aspects of the building (materials, façade patterns, proportions, openings, forms, massing, detailing, etc.) into its overall character and design.

The design of the proposed project responds to both external and internal design forces in its façade composition. As a "gateway" to the Valdez Triangle, the project site has two important corners: Broadway and 27th Street as well as Valdez and 27th Streets. As a result of the proposed project, the corner at Valdez and 27th Street would become even more prominent with the construction of the future plaza along Valdez Street in what is currently the street right-of-way. The façade along Valdez and 27th Streets would gently undulate in response to the curved nature of the street forms. In addition, a mid-block element at the residential entry along 27th Street-would provide further interest at the point where the proposed building would step in response to the slope of the project site.

As noted at Subsection 3.3 above, the importance of the Broadway/27. Street corner is recognized by the design of the modern, corner tower for element. The western side of the 27° Street elevation is organized around a super grid with mill reaturing Mondrian pattern accents. The residential entry is positioned at the step in the building (responding to site grades) and serves as the vertical termination to the horizontal tocades on each side and breaks down the scale of the building. To the east of the residential entry, the design transitions to a horizontal organization which wraps around to the Valdez frontage and features long horizontal cyclorow canopy and canted columns (recalling mid-century modern precedents). The corner of 26° Street and Broadway features a vertical element clad in high quality materials with horizontal canopies at each floor level—an element intended to be subordinate to the more important 27° Street and Broadway corner, while still providing visual interest and an appropriate terminus for the Broadway features to extruded elements (of same color as the background) at alternating heights serving to break down the massing of the tagade.

# 6. Site setting, neighborhood, and streetscape contexts;

As described in Subsections 3.1, 3.3, and 3.5, above, the logic of the building massing responds to the external cues from the site's location in the neighborhood. The proposed project encourages pedestrian activity turough its street frontage at lot lines along Broadway and 27° Street, as well as its glazed retail storements at ground level. This is the City of Oakland's new and desired context for the area, in contrast to the far less dense and automobile-locused context that exists at the site today.

7. Incorporating "especially fine" construction details, methods, or structural materials. These include those that successfully address challenging structural problems, contribute significantly to the building's overall design quality, exhibit fine craftsmanship, or are visible design elements:

Notable design elements of the proposed project, as described in Subsections 3.1, 3.3, and 3.5 above, are the vertical element at the corner of Broadway and 27th Street, the façade along the future plaza on Valdez Street, and the a mid-block element at the residential entry along 27th Street.

8. The replacement building's reflection of the time it was designed, not merely a caricature of the demolished building;

The design of the proposed project incorporates appropriate design elements of mid-century-modern architecture at the fitture plazas on Valdez Street, taking cues from mid-century modern design without attempting to mimic the detailing of the existing building. The proposed project would enhance the

neighborhood by reinforcing the street wall along Broadway, emphasizing the important corner of broadway and 27% Steet, and by providing a public plaza on Valdez-Street.

The proposed project is designed in a contemporary style utilizing elements, materials, and construction methods that follow prevalent trends in California multi-family architecture at the present time. This contemporary theme embraces the incorporation of mid-century modern design elements without compromising the overall composition of the project; in fact, the subtle introduction of these elements strengthens the design and succeeds in merging the past with the present. The proposed project's larger scale, and its reinforcement of the streetwall along Broadway, would clearly differentiate the new construction from Bitt's Coffee Shop, which was constructed in an automobile-focused context that afforded for less value to the benefits of street frontage and pedestrian activity.

By organizing concepts and design ideas that are closely related to the "Googie" or populave style, but not directly, imitating Biff's design elements, the proposed project acknowledges the past significance of the site while producing a design which responds to the City's aspirations of the higher density, pedestrian-oriented Downtown Oakland of the present.

9. The replacement building's contemporary interpretation of the demolished building's elements in terms of the cultural, historic, economic, or technological trends of its time.

The proposed project would demolish Biff's Coffee Shop, which was designed in a modern "Googie Style" for a use as a restaurant. The "Googie Style" is an offshoot of the modern movement in architecture (absolute on huturistic hypressionism), which was noted for bold auto oriented designs that incorporated starburst graphics, references to the atomic age, curved shapes, neon, bold signage graphics, and extensive use of glass. As an homoge to Biff's Coffee Shop, the replacement building is designed in a modernest sensibility that incorporates clean horizontal and vertical lines, ample windows and an expension plant.

The proposed building, while not attempting to mimic "Googie Style," does incorporate elements of midcentury modern design of the same period. The vertical fin with lighted accents at the corner of Broadway and 27. Street is similar to elements in some "Googie" signage designs, while the sweeping horizontality and canted columns at the Valdez Street (açade incorporate mid-century modern design principles. The Mondrian pattern at the 27% Street and Broadway corner is a further nod to the early/mid-20th century period (specifically, the somewhat related, pre-war De Styl movement).

Fig. s.c. stice, Shep and its distinctive form and circular shape are distinguishable from the proposed project. Idesign because Biff's was accommodated through its placement on an automobile parking lot tirely to a former gas station), while the proposed project will be constructed to fill the parcel's boundaries and approach the surrounding sidewalks. The replacement building, therefore, interprets the techniq of Biff's within a new, pedestrian-oriented context, as envisioned by the City. Particularly, the curve at its northeast corner, extensively glazed ground-level storefronts, strong horizontal axes, canted columns, and eyectow, awaing all call to mind the streamlined forms that characterize mid-century modern and congregarchitecture.

For the foregoing reasons, Finding III can be made to show that the design quality of the proposed project is "equal superior to" that of the Biff's building in existence over the past 40 years.

#### 4.0 DEMOLITION FINDING IV ANALYSIS

Finding IV: It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

#### Finding IV Submittal Requirements:

A report shall be submitted that addresses the following discussion points:

1. Could alterations or additions to the existing building make the current or a future use generate a reasonable economic return and/or architecturally/structurally accommodate the proposed use?

According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, neither the rehabilitation of the building for operation as a restaurant, Option 1 (Avoidance), nor Option 2 (Adaptive Reuse)<sup>13</sup> cannot generate a reasonable economic return because the value created by these scenarios cannot cover the development costs, rendering these scenarios financially infeasible. Therefore, there is no feasible way that the reuse of the existing building could generate a reasonable economic return. Only the proposed project (which would demolish Biff's Coffee Shop) is likely to generate a reasonable economic return. Specifically, the capitalized value of the proposed project (\$147.1 million) would exceed the costs associated with the proposed project (\$126.7 million) by approximately \$20.4 million. The proposed project's return on cost exceeds prevailing cap rates for a project of this type, which supports a finding of financial feasibility.

2. Do preservation alternatives exist which can achieve at least the same level of non-preservation benefits?

According to the *Historical Mitigation Compliance Analysis for the Broadway & 27th Project*, <sup>14</sup> all three preservation options involve development of a mixed-use building on the block where Biff's Coffee Shop currently exists. Option 1 (Avoidance) would rehabilitate the interior and exterior of Biff's Coffee Shop as a restaurant use, but would affect the building's integrity of setting, diminish the opportunity for large-format, destination retail as envisioned in the BVDSP for this retail priority site, and would not be economically feasible because the development costs for a new mixed-use building and restored Biff's structure would exceed its value, as described in the assessment of the financial viability included in Appendix B. Option 2 (Adaptive Reuse) also would be economically infeasible, despite incorporating more units than Option 1. It would have a greater effect on the overall historic integrity of Biff's Coffee Shop and would result in similar challenges to the retail viability of the site, especially with respect to the lost opportunity for large-format retail. Option 3 (Relocation) is not considered to be a feasible option, particularly when considering the financial and physical challenges associated with the preservation of

Under Option 2 (Adaptive Reuse), a new multi-story mixed-use building would be built to the west and south of Biff's Coffee Shop. Only the exterior shell of Biff's Coffee Shop would remain. The restored building shell would be structurally connected to the new mixed-use structure and on the same parcel. The restored building would have a retail use, with the future tenant providing new interior finishes. Option 2 assumes that no historic interior finishes would remain.

<sup>4</sup> ICF International and Page & Turnbull. 2015. Historical Miligation Compliance Analysis for the Broadway & 27th Project. September.

the building's integrity. Not only are options for moving the building very limited, but relocation would almost certainly prevent the building from conveying its architectural significance in the future.

Although the proposed project would demolish Biff's Coffee Shop, the design of the proposed project incorporates appropriate design elements of mid-century modern architecture, taking cues from mid-century modern design without attempting to mimic the detailing of the existing building. In addition, as described in the public benefits analysis in Section 2 above, the potential economic and fiscal benefits to the City, including new tax revenues, are significantly greater for the proposed project compared to the potential economic and fiscal benefits that could be generated by a rehabilitated Biff's Coffee Shop. Furthermore, neither Option 1 (Avoidance) nor Option 2 (Adaptive Reuse) satisfy the spirit and intent of the BVDSP and would not deliver a viable, transformative mixed-use project on a Retail Priority Site in the BVDSP area that provides the opportunity for large-format, destination retail. However, the proposed project would fulfill the spirit and intent of the BVDSP by providing up to 37,710 gsf of retail space, including 9,400 gsf of mezzanine retail space, depending on tenant demand. Therefore, only the proposed project would achieve the goals and policies of the BVDSP for the site and none of the preservation alternatives could achieve even close to the same level of benefits generated by the project.

3. Include discussion of potential economic benefits of a rehabilitated or reused cultural resource, including how building or district character might affect property values, attract commercial economic development, and increase, City tax revenues.

There can be many economic benefits to reusing and rehabilitating cultural resources. These include the ability to increase current development values, attract commercial economic development, and increase City tax revenues. As described in the public benefits analysis in Section 2 above, the potential economic and fiscal benefits to the City, including new tax revenues, are significantly greater for the proposed project compared to the potential economic and fiscal benefits that could be generated by a rehabilitated Biff's Coffee Shop.

## Property Values

Table 1 provides a comparison of some of the estimated economic and fiscal benefits of the proposed project and a rehabilitated Biff's Coffee Shop. As shown therein, the development value associated with a rehabilitated Biff's Coffee Shop (approximately \$2.5 million in total value and approximately \$4.4 million in development cost) would be far less than the development value associated with the proposed project (approximately \$165.1 million in total value and \$126.7 million in development cost). Regardless of how well-used the historic building would be, and how well it is rehabilitated, the scale of the proposed project would generate far higher development values.

Other than the economic benefits identified in Table 1, a rehabilitated Biff's Coffee Shop is unlikely to have a significant impact on economic value or activity in the project area. As described in Subsection 1.1 above, the building is not located within a historic district. According to the *Historical Mitigation Compliance Analysis for the Broadway & 27th Project*, 15 the "... integrity of the immediate setting for Biff's Coffee Shop has been significantly lowered. Although Biff's Coffee Shop is situated in Oakland's

<sup>🥴</sup> ICF International and Page & Turnbull. 2015. Historical Mitigation Compliance Analysis for the Broadway & 27th Project. September.

Broadway Auto Row, the building is set well back from Broadway on the east portion of its site. The building is viewed primarily from 27<sup>th</sup> Street where the circular sweep of the building touches the sidewalk on the site's northeasterly side." Although the integrity of the broader setting "remains generally strong" with the rehabilitation of Biff's Coffee Shop, no significant benefits to local tourism, spending or property values of other properties would occur.

#### Attract Commercial Economic Development

Development activity of any kind would most likely attract commercial development to the project area. According to the BVDSP EIR, the project site is "underutilized." This means that, given the area's urban context and its development potential, the site's use represents a relatively low level of development intensity. The project site includes a surface parking lot, auto-service land uses, and the former Biff's Coffee House structure, which is currently vacant. Therefore, rehabilitation of Biff's Coffee House would demonstrate growth, change, and progress, which in turn would likely spur nearby commercial development. The proposed project (which would demolish Biff's Coffee Shop and involve development of a mixed-use building) would demonstrate growth, change, and progress to a greater extent than the rehabilitation of Biff's Coffee House. As such, the proposed project would likely attract more commercial development to the project area than the rehabilitation of Biff's Coffee House.

#### City Tax Revenues

City revenues are collected in many ways, six of which pertain to the rehabilitation of Biff's Coffee House and the proposed project: property tax (discussed above), City General Fund sales tax, property tax in lieu of Vehicle License Fees, Business License Tax, Utility Consumption Tax, and Property Transfer Tax. Table 1 provides a comparison of some of the estimated economic and fiscal benefits of the proposed project and a rehabilitated Biff's Coffee Shop. As shown therein, a rehabilitated Biff's Coffee Shop is unlikely to have a significant impact associated with City revenues (\$26,600 in ongoing annual City revenues and \$37,200 in one-time City revenues). Comparatively, the proposed project would have a significant impact associated with City revenues (\$862,650 in ongoing annual City revenues and approximately \$2.5 million in one-time City revenues). Regardless of how well-used the historic building would be and how well it is rehabilitated, the scale of the proposed project would generate far higher City revenues.

#### Additional Benefits

A discussion of the comparison of the additional benefits of a rehabilitated Biff's Coffee Shop and the proposed project is provided below:

• Benefits to the tourism industry – The current use, if rehabilitated and operated as a restaurant, is unlikely to provide benefits to the City's tourism industry. The project site is relatively isolated from other Uptown area retail uses and it would not contribute to a historic district that would draw tourists. According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, the rehabilitation of Biff's Coffee Shop for operation as a restaurant would not generate a reasonable economic return. Therefore, the project site, in the absence of the

proposed project, is likely to remain in a blighted, dilapidated state that detracts from the image and visitor experience intended by the BVDSP for the area.

• Benefits to other property owners and renters in the area — As discussed above, a rehabilitated Biff's Coffee Shop is not likely to provide a significant benefit to other property owners or renters due to its relative isolation from other Uptown retail area, as well as the small size of the building and use. According to the *Economic Assessment of Biff's Coffee Shop Development Alternatives* included in Appendix A, the rehabilitation of Biff's Coffee Shop for operation as a restaurant would not generate a reasonable economic return. As such, the current use is likely to remain a blighting influence upon the area.

According to the *Historical Mitigation Compliance Analysis for the Broadway & 27th Project*, he the project applicant would contribute approximately \$82,500 to the City's façade improvement fund, which would benefit other businesses in the area and the City. Consequently, this would upgrade the urban environment for renters and residents. The addition of new residents by the proposed project, which would not occur with rehabilitation of Biff's Coffee Shop, would increase expenditures at local businesses and improve the retail environment, consistent with the spirit and intent of the BVDSP.

- Services provided to the community, including social services The rehabilitation of Biff's Coffee Shop would generate minimal new tax revenues (\$26,600 in ongoing annual City revenues) to help fund public services in the City, whereas the proposed project would generate substantially more new tax revenues (\$862,650 in ongoing annual City revenues) that could contribute to the funding of social and other services to the area and to the City.
- Housing and job opportunities The rehabilitation of Biff's Coffee Shop would provide no new
  housing opportunities and could add up to 18 annual, ongoing restaurant jobs, whereas the
  proposed project would add 255 residential units and create over 140 jobs primarily related to the
  new retail uses.

In addition to the economic considerations described above, the proposed project would contribute in a variety of ways to improving land use conditions, including helping to achieve the spirit and intent of the BVDSP. Mitigation requiring recordation and public interpretation of Biff's historical structure would be required for the proposed project, as described in the *Historical Mitigation Compliance Analysis for the Broadway & 27th Project.*<sup>17</sup> This mitigation would contribute to an increased understanding of the historical significance of Biff's Coffee Shop.

#### 5.0 CONCLUSION

This report concludes that the proposed project at Broadway and 27th Street meets the requirements for Category I Demolition, Finding I, because the current use as a surface parking lot and vacant restaurant

<sup>1</sup>CF International and Page & Turnbull. 2015. Historical Mitigation Compliance Analysis for the Broadway & 27th Project. September.

<sup>17</sup> ICF International and Page & Turnbull, 2015. Historical Mitigation Compliance Analysis for the Broadway & 27th Project, September,

building does not generate a reasonable economic return on the property; there are no alternative uses of the existing building that could generate a reasonable economic return; alterations to the existing building would not result in a reasonable economic return; and available funding sources would not bridge the funding gap. The proposed project also meets Category I, Finding III, because the design quality of the proposed project is equal and in some instances superior to that of the existing former Biff's Coffee Shop. In addition, the proposed project meets Category I, Finding IV, because it is economically and functionally infeasible to incorporate the historic building into the proposed development.

#### 6.0 REFERENCES

- Berkson Associates. 2015. Economic Assessment of Biff's Coffee Shop Development Alternatives, 315-27<sup>th</sup> Street, Oakland, CA. September 30.
- ESA (Environmental Science Associates). 2013. Broadway Valdez District Specific Plan, Draft Environmental Impact Report. SCH No. 2012052008. September.
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- ICF International and Page & Turnbull. 2015. *Historical Mitigation Compliance Analysis for the Broadway &* 27th Project. September.
- Morris, Mimi. 2012. The Economic Impact of Historic Resource Preservation. California Cultural and Historical Endowment. November.
- Page & Turnbull. 2015. Updated Historic Assessment of Biff's Coffee Shop. August 16.
- Rypkema, Donovan, Caroline Cheong, and Randall Mason. 2011. Measuring Economic Impacts of Historic Preservation: A Report to the Advisory Council on Historic Preservation. November.

# APPENDIX A ECONOMIC ASSESSMENT OF BIFF'S COFFEE SHOP DEVELOPMENT ALTERNATIVES

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## MFMORANDUM

To:

Scott Youdall

The Hanover Company

From:

Richard Berkson, Berkson Associates

Subject: Economic Assessment of Biff's Coffee Shop Development Alternatives,

315 27th Street, Oakland, CA

Date:

September 30, 2015

As you requested, Berkson Associates (BA) has prepared an independent assessment of the financial viability of the existing Biff's Restaurant at 315 27<sup>th</sup> Street in Oakland as required by the City of Oakland for demolition of historic properties. This analysis is necessary in order for The Hanover Company (the "Developer") to build its Proposed Project on the site.

First, the City requires that the Proposed Project, which would replace Biff's, be shown to generate a reasonable economic return. Second, the applicant must demonstrate whether a project (the "Avoidance Option" and "Adaptive Reuse") that includes the historic property would generate reasonable returns. The City also requests that estimates of public benefits be provided to support the City's required findings.

In preparing the analysis, BA has reviewed, and revised where appropriate, cost estimates prepared by the Developer and its consultants, potential lease rates for residential and commercial uses, and measures of return based on prevailing market rates and industry standards. BA utilized City budget documents and information from similar projects to estimate public benefits. The analysis generally assumes current lease rates, and does not reflect potential inflation or appreciation.

The primary measure of feasibility is whether the value created by development exceeds the cost of development by a profit margin of at least 15 percent. A 15 percent measure (the "Return on Investment", or "ROI") is the minimum that would be necessary to attract investment capital given the potential risks, timing, and returns of a development project of this nature, therefore, any ROI below 15%, including a negative ROI, is considered infeasible. ROI is calculated by dividing the margin by the development costs. "Margin" is the value of the project minus the development costs; a negative margin is called a "shortfall". Any development in which the costs exceed the value, and hence a shortfall exists, would have a negative ROI, which is considered infeasible. "Value" is calculated by dividing the Net Operating Income (NOI) of the development by a "cap rate".

Cap rates reflect the NOI expected by purchasers of income-producing property as a percent of the purchase price. In other words, capitalizing the NOI yields the maximum price a buyer would pay for the development in order to obtain annual returns at least equal to the cap rate; a higher price would mean lower returns for a given NOI.

The current analysis assumes a residential cap rate of 4.75 percent. Nationally, cap rates for infill multi-family average 4.75 percent for Class A properties, and 3.5-4.0 percent in San Francisco; while the Oakland market is strengthening, it has not achieved the same level of demand exhibited by the San Francisco market, thus a slightly higher cap rate is assumed. Neighborhood/Community Retail cap rates in San Francisco vary from 4.5 to 7.0 depending on class; a conservative cap rate of 6.5 percent is assumed, considering that Uptown Oakland, while it presents strong growth prospects, currently does not have a base of national retail, and its historically weak retail environment presents risks that support a cap rate towards the upper end of the range. A liberal 6.5 percent cap rate is applied to Biff's, although as a standalone restaurant at the upper end of the Uptown area, a higher rate of 7 percent could be justified.

The analysis helps answer questions raised by the City's requirements for demolition of historic properties; it is not intended to represent an investment recommendation. Actual financial outcomes of development options will vary from those shown depending on refined project and tenanting programs, and future investment, market, and economic conditions that will influence costs and revenues at the time of development and operation.

## Summary of Findings

1. A rehabilitated Biff's cannot generate a reasonable economic return. The costs to rehabilitate Biff's for operation as a restaurant, and to restore its historical integrity, exceed the potential revenues and value of a freestanding restaurant operation, with a

<sup>&</sup>lt;sup>1</sup> CBRE North America Cap Rate Survey First Half 2015.

shortfall of nearly \$1.5 million, which amounts to a negative ROI; therefore, this option is infeasible. Development of the site for a restaurant use, notwithstanding the inability for revenues to cover costs, would generate a land value that is less than the value to be gained by using the site for leased parking, which further reduces economic motivations to restore Biff's. Potential historic tax credits and Mills Act property tax reductions have been included in the analysis, but these reductions do not contribute enough to make this scenario feasible.

- 2. The Proposed Development, which replaces the current use, can generate a reasonable economic return. As described in this memorandum, development of the site for a mixed-use project as proposed by the Developer is likely to generate reasonable economic returns. The value created by the Proposed Project exceeds development costs and produces an ROI of 16.1 percent; therefore, this option is feasible.
- 3. The Avoidance Option cannot generate a reasonable economic return. Inclusion of Biff's as a freestanding restaurant operation with a mixed-use project reduces the number of potential new residential units and retail space compared to the Proposed Project, and significantly increases total development costs in addition to the subsidy required by Biff's. The value created does not cover development costs, with a shortfall of \$17 million, and a negative ROI. The development of Biff's concurrent with a larger project on the site could benefit from certain cost efficiencies, however Biff's would still require a substantial subsidy. The shortfall and negative ROI render this option infeasible.
- 4. An Adaptive Reuse Option with the same number of residential units as the Proposed Project does not generate reasonable economic returns. The amount of retail space is significantly less than the Proposed Project due to a smaller footprint. The taller structure is assumed to cost the same per residential unit as the Avoidance Option, but reduced retail revenues result in a value of \$134.9 million, significantly below development costs of \$141.1 million, resulting in a shortfall of \$6.2 million and a negative ROI. Consequently, this option is infeasible.
- 5. The Proposed Development generates significantly greater public economic benefits by comparison to Biff's. A restored Biff's will produce additional tax revenues and economic activity; however, those benefits are minimal relative to the Proposed Project.

#### Financial Review of Biff's Restoration

The City's Demolition Findings require a finding that the demolished use cannot generate a reasonable economic return. The current analysis compares development costs to the potential revenues and value of a restored building operating as a

<sup>&</sup>lt;sup>2</sup> City of Oakland Demolition Findings for Category I Historic Properties, Finding 1.

restaurant to assess its financial feasibility and ability to generate reasonable economic returns to a developer. As described below, rehabilitation of Biff's is not financially feasible.

Biff's Coffee Shop formerly occupied the 5,288 gross square feet (gsf) circular building located at 315 27<sup>th</sup> Street in Oakland. 27th Street, 26th Street, and Broadway bound the 1.1-acre site. Built in the early 1960's, the building has been vacant since 1996. According to an assessment of the building's condition and historic status, the general condition of the building is "not good" and the interior was observed by the assessment to be "in very poor condition" at the time of a 2015 site visit. Consequently, significant expenditures would be required to restore the building.

#### · condition of Disconner

As shown in **Table 1**, Biff's \$2.5 million capitalized value, post-renovation, is significantly less than the \$4 million cost of development (net of potential tax credits). With a shortfall of approximately \$1.5 million and a negative ROI, investment capital will not flow to the project because it would not produce value sufficient to fund its costs and generate reasonable returns to the investor. Therefore, the renovation of Biff's as a restaurant would not be financially feasible.

Another factor working against the site's potential development is the land value produced to the owner of the property. The return and corresponding land value of a 5,000 square foot operating restaurant, even if financially viable, is going to be less than the annual revenues and land value that is and can continue to be derived from leasing the majority of the site for vehicle parking. This parking option requires no further investment, improvements or risk; consequently, the landowner has no incentive to undertake a renovation even if a restaurant renovation could be financially viable.<sup>4</sup>

The following sections describe estimated development costs and revenues that provide the basis for the feasibility conclusions herein.

<sup>&</sup>lt;sup>3</sup> Updated Historic Assessment of Biff's Coffee Shop, Page & Turnbull, August 11, 2015.

For example, land value for the restaurant operation could be approximately \$500,000, assuming a standard land value of 20% of total value; applied to the approximate half acre required for Biff's building and parking results in a value of \$1 million per acre. This value is less than the value of sites leased for parking in the area that can yield \$150,000 to \$200,000 per year per acre in net lease revenue, and more than \$2 million per acre in land value (7% cap rate).

Table 1
Feasibility of Restoration of Biff's Restaurant (No Project)

Item	Factor		Amount
PROJECT DESCRIPTION			
Restaurant space (Biff's)	5,288	sq.ft. (gross le	easable)
Total Site Area	1.1	acres	
Parking	surface		
REVENUES			
Gross Effective Income (1)	\$2.50	sq.ft./month	\$158,600
Mills Act Property Tax Benefit (2)			10,500
(less) Operating Expenses (1)	5.0%		<u>(7,900)</u>
ANNUAL NOI			\$161,200
DEVELOPMENT COSTS (3)			\$4,431,700
Federal Historic Tax Credits (4)			(437,500)
Net Development Cost			\$3,994,200
Capitalized Value (5)	6.5%		\$2,480,000
Margin or (shortfall)			(\$1,514,200)
Return on Investment			-37.9%

Source: Berkson Associates; The Hanover Company.

- (1) Assumes NNN rents; landlord expenses include capital reserves, legal, accounting.
- (2) Assumes that tenant tax benefit translates to increased lease revenue. See Table A-2 for additional detail.
- (3) See Table A-1 for more detail. Costs exclude potential land cost.

  Note: costs shown for stand-alone Biff's (no other development on the site) are greater than Biff's costs shown in "Avoidance Option" due to smaller project.

  Additionally, some of the costs shown in this table are factored in the pro forma for the "Avoidance Option" project.
- (4) If Biff's qualifies for historic tax credits, the estimate assume 20% credit for hard costs (exc. equipment, soft costs). Sale of credits assumed at 90% of value.
- (5) The Capitalized Value is the NOI divided by the cap rate. Biff's is capitalized at 6.5%.

Estimates of development costs total approximately \$4.4 million, which would be partially offset by historic tax credits. These costs assume building rehabilitation to its 1964 appearance, sufficient to be considered for state and national historic register listing. The construction would also meet all modern seismic and green building

standards, and the building restored for use as a restaurant. Costs are generally described below, and further detailed in the attached **Table A-1**.

The costs include all development costs likely to be incurred not only for building restoration, but also for site improvements, construction, and build-out necessary for restaurant operation, including an allowance for tenant improvements. As a standalone project, costs are likely to be greater than if the project were part of a larger development, as described below for the "Avoidance Option," due to the additional risk and reduced economies of scale for a project of this size. Land costs are included, assuming a standard of 20 percent of value attributable to land.

Cost estimates are based on a structural assessment prepared by DCI+SDE Engineers for a retrofit scheme utilizing the original architectural plans for the building. Soft costs are included for design, project management and overhead. Certain factors, for example contingencies at 7 percent and developer fees at 6 percent, are higher for the stand-alone Biff's relative to a larger project, such as the "Avoidance Option". Other costs, such as finance and interest charges, are included in the cost estimates. With the "Avoidance Option" and "Adaptive Reuse Option", those costs are part of the overall project pro forma estimates and are separate from the Biff's-specific cost estimates.

#### Potential Funding Sources for Historical Improvements

The restoration of Biff's potentially could qualify for and benefit from various programs intended to improve the financial feasibility of historical renovations. Programs include tax credits and Mills Act property tax reductions, which have been considered in the feasibility analysis.

Federal Tax Credits – Historic tax credits are provided by the federal government to encourage the preservation and adaptive reuse of certified historic and older buildings (built before 1936). This analysis assumes Biff's qualifies for the Federal Historic Register and qualifies for 20% credits. The credits are applied to hard costs, and reduced by 10 percent to reflect the sale of the tax credits. The actual amount of credits will depend on eligible costs that may vary from those shown.

Mills Act Property Tax Reductions – The Mills Act provides 10 years of reduced property tax in return for historic rehabilitation for buildings in the City of Oakland. Eligible buildings require a historic designation by the City of Oakland. This analysis assumes the Biff's building would meet the requirements to qualify for the reductions. The Mills Act allows for the assessment of property based on the "income approach"; in some cases, particularly residential property, the resulting value may be less than the market value or sales price; however, there generally is minimal benefit to commercial properties which are typically valued and assessed based on potential income in any case. The

<sup>&</sup>lt;sup>5</sup> Preliminary Structural Evaluation Report for the 2630 Broadway Street Building, DCI+SDE Project No. 15081-0072, June 19, 2015.

Mills Act calculation (see **Table A-2**, attached) generally uses a higher cap rate to determine value than most market transactions, resulting in a lower assessed value. The financial review assumes that the benefits of the property tax reduction, although received by the tenant through the triple-net lease, will pass-through to higher lease revenues that can be paid to the building owner.

This analysis assumes that the renovation will qualify for the financial benefits of these programs, however, there will be some additional costs to apply for the programs, and risks that the project will not benefit at the assumed levels.

#### Potential Value

A review of asking lease rates and discussions with retail brokers familiar with the market indicate a range of \$2.25 to \$3.00 per square foot per month (NNN)<sup>6</sup> for restaurant space in the Uptown area. It is possible that a tenant may be willing and able to pay a net rent slightly greater than \$3.00, however, this would not change the feasibility findings unless net rents exceeded \$5.00 per square foot, which is unlikely.

The analysis assumes a midrange rent, given the site's location at the northernmost end of what is generally considered "Uptown", and its relative distance from the concentration of other retail, residential and commercial activity in the Uptown area. Given the location, configuration and character of the building and its restoration as a 1960's style diner, it is less likely to attract a high-end restaurant willing and able to pay higher rents. Actual rents ultimately will depend on negotiations with specific tenants, and depend on the nature and type of restaurant, as well as future restaurant demand.

The potential value of the property, for example the value that a developer/owner could obtain through a sale is estimated by calculating a "capitalized value". This is the value derived by dividing potential annual net operating income (NOI) by a "cap rate". The cap rate generally represents the ratio between sales prices and NOI as indicated by sales, and is influenced by returns expected by the purchasers. For the purpose of this analysis, a liberal 6.5 percent cap rate is applied to projected NOI to estimate a value for the property as a retail use. However, it should be noted that a stand-alone restaurant is likely to represent a greater level of risk than typical retail uses; therefore a higher cap rate, e.g., 7 percent or greater, would likely apply, which would reduce the property's total value.

## Financial Review of Proposed Project

The City's Demolition Findings require a finding that the development replacing a demolished use will generate a reasonable return. The current analysis compares

<sup>&</sup>lt;sup>6</sup> "NNN" refers to a triple-net lease whereby the tenant is responsible for the majority of expenses including utilities, property taxes, insurance and maintenance.

<sup>&#</sup>x27;City of Oakland Demolition Findings for Category I Historic Properties, Finding 1.

development costs to the potential revenues and value of the Proposed Project to assess its financial feasibility and ability to generate reasonable returns to a developer. Based on conservative estimates of development costs and revenues described below, the Proposed Project is financially feasible.

As described in the Draft Historical Mitigation Compliance Analysis, the Proposed Project would demolish the existing Biff's building and surface parking lot and construct a new 7-story mixed-use building with an area of approximately 423,577 gross square feet (gsf). The Proposed Project would create approximately 255 residential units and up to 37,710 gsf of retail space, including 9,400 gsf of mezzanine retail space. Parking would be provided by three below-grade levels, which would accommodate 299 parking spaces.

#### Feasibility of Development

As shown in **Table 2**, the Proposed Project generates \$147.1 million in value that exceeds its \$126.7 million development costs by a margin of \$20.4 million, which is an ROI of 16.1 percent, supporting a finding of financial feasibility. Based on industry-wide feasibility standards, ROIs for a mixed-use development project of this scale, cost and risk should be at least 15 percent or more to attract capital investment.

#### Condopment Cours

Estimated development costs total approximately \$126.7 million, which falls within an expected range of \$450,000 to \$500,000 per unit, including land cost, based on a review of other similar developments. The range varies depending on unit sizes, amount of retail space, building design and configuration.

In addition to "hard" construction costs for site development, utilities, development costs include finance costs, developer fees, design and engineering, and soft cost contingencies. The costs fall within industry norms.

#### Potential value

Residential lease rates estimated for the Proposed Project, which average \$2,938 per month, fall within a reasonable range for the current Oakland market for Class A apartment properties. Continued growth in residential demand, increased occupancy of buildings in Uptown Oakland by tech firms, and new development in the area supports strong prospects for unit occupancies and lease rate growth.

<sup>&</sup>lt;sup>8</sup> ICF International and Page & Turnbull. 2015. Draft Historic Mitigation Compliance Analysis for the Broadway & 27th Project. Draft. September. (ICF 00323.15.) San Francisco, CA. Prepared for The Hanover Company, San Ramon, CA.

<sup>&</sup>lt;sup>9</sup> Unit sizes average 794 square feet.

Table 2
Feasibility of Proposed Project

Item	Factor		Amount
PROJECT DESCRIPTION			
Residential Units	255	units	
Retail Space	37,710	sq.ft.	
Total Site Area	1.1	acres	
Parking	204	garage spaces	
REVENUES (1)			
Residential Income (2)	\$2,938	/unit/month	\$8,989,700
Other Income (3)			462,000
Retail (4)	\$2.95	sq.ft./month	1,334,900
			10,786,600
(less) Vacancy (5)			(606,100)
(less) Operating Expenses (6)			(2,909,200)
Subtotal			(3,515,300)
ANNUAL NOI			\$7,271,300
DEVELOPMENT COSTS			\$126,683,100
(less) Federal Historic Tax Credits			na
(less) Mills Act Property Tax Reduction			<u>na</u>
Net Development Cost			\$126,683,100
Capitalized Value (7)		4.9%	\$147,075,300
Margin or (shortfall)			\$20,392,200
Return on Investment			16.1%

Source: Berkson Associates; The Hanover Company.

- (1) Based on review of rents projected by Developer; (does not include rent inflation).
- (2) Avg. effective rent \$3.70/sq.ft., 794 sq.ft./unit.
- (3) Other Income includes parking, storage, other misc. fees.
- (4) Assumes NNN rents; landlord expenses include capital reserves, Rents vary between \$2.90 and \$3.00/sq.ft., depending on size and amenities.
- (5) Vacancy rates vary from 5% (residential and other) to 10% (retail).
- (6) Expenses include salaries, utilities, marketing, management, taxes and insurance.
- (7) Assumes residential cap rate of 4.75, retail cap rate of 6.5, or a weighted avg. of 4.9%. The Capitalized Value is the NOI divided by the cap rate.

Prevailing retail rents and prospects for continued growth in the Uptown area also support the Developer's anticipated retail lease rates. The Developer anticipates retail leases in the \$2.90 to \$3.00 range<sup>10</sup> for its new space, including large format retail space with Broadway frontage that could appeal to a national retailer. The Developer anticipates growth in future lease rates, however these increases have not been factored into the current analysis to provide a conservative estimate of revenues.

The total capitalized value of the Proposed Project is estimated at \$147.1 million. This value is derived by applying cap rates of 4.5% and 6.5% to the residential NOI and retail NOI, respectively, which is approximately a 4.9% blended average. As noted above in the discussion of the feasibility of the proposed project, this value produces a margin in excess of development costs, with a resulting ROI of 16.1 percent, which is considered feasible.

### Financial Review of Avoidance Option

The City's Demolition Findings require a finding that it would be "economically ... infeasible to incorporate the historic building into the proposed development". The current analysis compares development costs to the potential revenues and value of the Avoidance Option, which includes a restored Biff's, to assess its financial feasibility and ability to generate reasonable returns to a developer or investor. For the reasons described below, the Avoidance Option is not financially feasible.

The Draft Historic Mitigation Compliance Analysis describes an Option 1 (Avoidance) to mitigate impacts of the Proposed Project on historical resources (Biff's). Under the Avoidance Option, a new multi-story mixed-use building would be built to the west of Biff's Coffee Shop. The existing Biff's Coffee Shop building would remain and be restored as a freestanding structure on a separate parcel. The restored building would reestablish the original restaurant use. The original construction drawings by Armet & Davis (1962) would be used as the basis of design for restoration of the exterior and interior.

The mixed-use 10-story building would include 181 residential units, a reduction of 74 units compared to the Proposed Project. Retail square footage onsite would be reduced by 24,846 gsf to a total of 12,224 gsf (plus Biff's 5,288 gsf on a separate parcel). 166 parking spaces would be provided in three basement levels.

#### Peasibilas of Development

As shown in **Table 3**, the \$91.8 million capitalized value of the Avoidance Option is significantly less than the \$108.8 million costs of development (net of potential tax

<sup>&</sup>lt;sup>10</sup> Retail lease rates are per leasable square foot per month, NNN.

<sup>&</sup>lt;sup>11</sup> City of Oakland Demolition Findings for Category I Historic Properties, Finding 4.

credits and including property tax reductions potentially attributable to the restoration of Biff's), a shortfall of \$17 million and a negative ROI. This negative result is due to a reduction in units and retail space, coupled with a corresponding significant increase in costs per square foot as a result of a taller and narrower building requiring a more expensive type of construction. The shortfall and negative ROI indicate an infeasible project.

#### Dogalagement Core

Estimated development costs total approximately \$108.8 million (after tax credits). Although these total development costs are lower than the Proposed Project, the cost per unit increases by roughly \$100,000, or over 20%, due to the fixed costs such as land and design being allocated among less units, and construction costs increasing as the building height increases to 10 stories, requiring a more costly type of structure. Depending on specific design considerations, it is possible that construction costs can increase by as much as one-third. Certain major structural costs won't decline in direct proportion to reduced floor area. For example, significant costs will still be required for three basement levels, and elevator and utility shafts are still needed, which are spread amongst fewer total units.

In addition to "hard" construction costs for site development and utilities, development costs include finance costs, developer fees, design and engineering, and soft cost contingencies. The soft costs are within industry norms.

#### Transfer Chall Manuar

Residential lease rates for the Avoidance Option are assumed to be comparable to those expected for the Proposed Project, which average \$2,938 per month. Similarly, retail lease rents are assumed comparable to the Proposed Project at \$3.00 per square foot, although there will be significantly less retail space and reduced frontage along Broadway, reducing the viability and attractiveness of the space for a national retailer.

Biff's revenues are included in the total value of the project, as well as the benefit from Mills Act property tax reductions and potential historical tax credits. Lease revenues of \$2.50 per square foot are assumed.

The total capitalized value of the Avoidance Option is estimated at \$96.7 million. This value is derived by applying cap rates of 4.5% and 6.5% to the residential NOI and retail NOI, respectively, which is a 4.9% blended average. Biff's NOI is capitalized at a 6.5 percent rate. As noted above, this value is less than development costs, resulting in a shortfall of \$17 million and a negative ROI.

<sup>&</sup>lt;sup>12</sup> The BA analysis increases construction costs by approximately \$75 per square foot for residential units, or about a 20% increase compared to the Proposed Project.

<sup>&</sup>lt;sup>13</sup> Unit sizes average 794 square feet.

Table 3
Feasibility of Avoidance Option

Item	Factor	2184091	Amount
PROJECT DESCRIPTION			
Residential Units	181	units	
Retail Space	12,224	sq.ft.	
Restored Biff's	5,288	sq.ft.	
Total Site Area	1.1	acres	
Parking	166	garage spaces	
REVENUES			
Residential Income (1)	\$2,938	/unit/month	\$6,381,300
Other Income (2)			328,200
Retail (3)	\$3.00	sq.ft./month	440,100
Biff's	\$2.50	sq.ft./month	<u>158,600</u>
Subtotal			7,308,200
Mills Act Property Tax Benefit		•	7,200
(less) Vacancy (4)			-379,500
(less) Operating Expenses (5)			-2,407,200
Subtotal			-2,779,500
ANNUAL NOI			\$4,528,700
DEVELOPMENT COSTS			
Biff's Restoration (6)			\$3,523,400
Other Development Costs			105,735,500
Subtotal			109,258,900
(less) Federal Historic Tax Credits			<u>(437,500)</u>
Net Development Cost			\$108,821,400
Capitalized Value (7)	4.9%		\$91,813,000
Margin or (shortfall)			(\$17,008,400)
Return on Investment			-15.6%

Source: Berkson Associates; The Hanover Company.

- (1) Avg. effective rent \$3.70/sq.ft., 794 sq.ft./unit.
- (2) Other Income includes parking, storage, other misc. fees.
- (3) Assumes NNN rents; landlord expenses include capital reserves, Rents vary between \$2.90 and \$3.00/sq.ft., depending on size and amenities.
- (4) Vacancy rates vary from 5% (residential and other) to 10% (retail).
- (5) Expenses include salaries, utilities, marketing, management, taxes and insurance.
- (6) Biff's restoration assumes development occurs as part of Avoidance Project, certain overhead and soft costs are included in the Avoidance Project development.
- (7) Assumes residential cap rate of 4.75, retail cap rate of 6.5, or a weighted avg. of 4.9%. The Capitalized Value is the NOI divided by the cap rate. Biff's is capitalized at 6.5%.

## Financial Review of Adaptive Reuse Option

The Draft Historic Mitigation Compliance Analysis evaluates a second option, the "Adaptive Reuse" Option, which would connect Biff's to a new multi-story mixed-use building that would be built to the west and south of Biff's Coffee Shop.

This option<sup>14</sup> has been refined to increase heights above those of the Avoidance Option in order to achieve the 255 residential units of the Proposed Project. However, site limitations constrain the amount of retail space to a total of 16,700 gsf, which is less than half of the 37,710 gsf of the Proposed Project.

#### anasibility of Development

**Table 4** shows that this option produces \$134.9 million of capitalized value, which is insufficient to cover its \$141.1 million development costs; this option produces a shortfall of \$6.2 million and a negative ROI.

#### Diviningum at Costs

Total development costs (net of potential tax credits) are estimated to be \$141.1 million. Residential costs per unit and retail costs per square foot are approximately the same as for the Avoidance Option. The cost of Biff's restoration is estimated to be less than a stand-alone restaurant because it would share utilities with the mixed-use building, and would be developed without the interior historic finishes. It is assumed that the tenant's lease would include an allowance for tenant improvements.

#### Potential Value

Residential lease rates for the Adaptive Reuse Option are similar to those for the Proposed Project and Avoidance Option, at \$2,938 per month. Retail lease rates are assumed to be \$2.50 to \$3.00 per square foot, <sup>15</sup> and Biff's is assumed to be \$2.50 per square foot due to its unconventional configuration, although lease rates may differ depending on its ultimate tenant.

The total capitalized value of the Adaptive Reuse Option is estimated at \$134.9 million. This value is based on the same cap rates as for the other options, which are 4.5% and 6.5% applied to the residential and retail NOIs, respectively. As noted above, this value is less than development costs and produces a shortfall of \$6.2 million and a negative ROI, therefore this option is infeasible.

<sup>&</sup>lt;sup>14</sup> Adaptive Reuse Option 2, Scenario 3, Draft Historic Mitigation Compliance Analysis.

<sup>&</sup>lt;sup>15</sup> 4,476 sf of Lower level retail is assumed to lease at \$2.50/sf.

Table 4
Feasibility of Adaptive Reuse Option

Item	Factor		Amount
PROJECT DESCRIPTION			
Residential Units	255	units	
Retail Space	16,720	sq.ft.	
Restored Biff's	5,288	sq.ft.	
Total Site Area	1.1	acres	
Parking	199	garage spaces	
REVENUES			
Residential Income (1)	\$2,938	/unit/month	\$8,989,700
Other Income (2)			462,000
Retail (3)	\$2.50-\$3.00	sq.ft./month	575,100
Biff's	\$2.50	sq.ft./month	<u>158,600</u>
Subtotal			10,185,400
Mills Act Property Tax Benefit			7,200
(less) Vacancy (4)			-530,100
(less) Operating Expenses (5)			<u>-3,028,600</u>
Subtotal			-3,551,500
ANNUAL NOI			\$6,633,900
DEVELOPMENT COSTS			
Biff's Restoration (6)			\$2,823,400
Other Development Costs			138,665,100
Subtotal			141,488,500
(less) Federal Historic Tax Credits			(437,500)
Net Development Cost			\$141,051,000
Capitalized Value (7)		4.9%	\$134,866,000
Margin or (shortfall)			(\$6,185,000)
Return on Investment			-4.4%

Source: Berkson Associates; The Hanover Company.

- (1) Avg. effective rent \$3.70/sq.ft., 794 sq.ft./unit.
- (2) Other Income includes parking, storage, other misc. fees.
- (3) Assumes NNN rents; landlord expenses include capital reserves, Rents vary between \$2.50 and \$3.00/sq.ft., depending on size and amenities.
- (4) Vacancy rates vary from 5% (residential and other) to 10% (retail).
- (5) Expenses include salaries, utilities, marketing, management, taxes and insurance.
- (6) Biff's restoration assumes development occurs as part of Adaptive Reuse Project, resulting in cost reductions, efficiencies, and cost transfer to Adaptive Reuse pro forma.
- (7) Assumes residential cap rate of 4.75, retail cap rate of 6.5, or a weighted avg. of 4.9%. The Capitalized Value is the NOI divided by the cap rate. Biff's is capitalized at 6.5%.

#### **Economic Benefits**

The City's Demolition Findings require an analysis of public benefits for the existing use and the replacement development. <sup>16</sup> As shown in **Table 5**, potential economic and fiscal benefits to the City of Oakland, including new tax revenues, are significantly greater for the Proposed Project compared to those that could be generated by a restored Biff's.

Other than the benefits shown, a restored Biff's is unlikely to have a significant impact on economic value or activity in the area. Biff's does not contribute to a historic district, and as noted in the Draft Historic Mitigation Compliance Analysis, "... integrity of the immediate setting for Biff's Coffee Shop has been significantly lowered. Although Biff's Coffee Shop is situated in Oakland's Broadway Auto Row, the building is set well back from Broadway on the east portion of its site. The building is viewed primarily from 27th Street where the circular sweep of the building touches the sidewalk on the site's northeasterly side." The integrity of the broader setting "remains generally strong", however, no significant impacts on local tourism, spending or property values of other properties is likely to occur with renovation of Biff's.

Following are specific discussion points raised by the City's Demolition Findings:

- a. Benefits to the tourism industry As noted above, the current use, if rehabilitated and operated as a restaurant, is unlikely to provide benefits to the City's tourism industry; the site is relatively isolated from other Uptown area retail uses, and it would not contribute to a historic district that would draw tourists. As determined in this memorandum, a restored Biff's is not financially feasible, and therefore the site, in the absence of the Proposed Project, is likely to remain in a blighted, dilapidated state that detracts from the image and visitor experience intended by the Broadway Valdez District Specific Plan (BVDSP) for the area.
- b. Benefits to other property owners and renters in the area As stated in the preceding paragraph, a rehabilitated Biff's is not likely to provide a significant benefit to other property owners or renters due to its relative isolation from other Uptown retail area, as well as the small size of the building and use. Because of the lack of feasibility, the current use is likely to remain a blighting influence upon the area.

The Proposed Project would contribute approximately \$82,500 to the City's Façade Improvement Program that would benefit other businesses in the area and the City, and upgrade the urban environment for renters and residents. The addition of new

<sup>&</sup>lt;sup>16</sup> City of Oakland Demolition Findings for Category I Historic Properties, Finding 1, submittal item #5.

<sup>&</sup>lt;sup>17</sup> Draft Historic Mitigation Compliance Analysis.

<sup>&</sup>lt;sup>18</sup> Draft Historic Mitigation Compliance Analysis.

residents by the Proposed Project would increase expenditures at local businesses, and improve the retail environment consistent with objectives of the BVDSP.

- c. Services provided to the community, including social services The current Biff's, if rehabilitated, would generate minimal new tax revenues (approximately \$26,000 annually) to help fund public services in the City. As shown in **Table 5**, the Proposed Project would generate over \$800,000 annually that could contribute to the funding of social and other services to the area and to the City.
- d. Housing and jobs opportunities The rehabilitation of Biff's provides no new housing opportunities, and may add up to 18 annual, ongoing restaurant jobs, as shown in Table 5. The Proposed Project would add 255 residential units and create over 140 jobs primarily related to new retail.

In addition to the economic considerations described above, the Proposed Project would contribute in a variety of ways to improving land use conditions, including helping to achieve objectives of the BVDSP. Proposed Project mitigations requiring recordation and public interpretation of Biff's historical structure would contribute to increased understanding of its significance.

Table 5
Summary of Estimated Economic and Fiscal Benefits

	Alternative				
Item	Biff's (No Project)		ct)	Proposed Project	
Development Value					
Total Value (1)		\$2,480,000		\$165,122,000	
Development Cost (2)		\$4,431,738		\$126,683,100	
Households, Income, Expenditures					
New Households		0		255	
Total Household Income (3)		\$0		\$26,753,000	
Household Retail Expenditures (4)		\$0		\$8,025,900	
Retail					
New Retail/Restaurant Space		5,288		37,710	'
Retail/Restaurant Sales (5)	\$300	\$1,586,400		\$11,313,000	
Jobs					
Total Jobs (annual, ongoing) (6)			jobs	143	jobs
Construction Jobs (job years) (7)		18	job-yrs	515	job-yrs
City Revenues					
Ongoing Annual Revenues to the City					
Property Tax (8)	27%	\$1,900		\$441,900	
City Sales Tax (9)	1%	\$15,900		\$193,400	
Property Tax in lieu of VLF (10)		\$1,800		\$121,100	
Business License Tax (11)		\$6,100		\$48,100	
Utility Consumption Tax (12)		\$900		\$58,150	
		\$26,600		\$862,650	
One-Time Revenues		405.55-		40.476.000	
Property Transfer Tax (upon sale) (13)		\$37,200		\$2,476,800	

#### Notes to Table 5

- (1) Values based on capitalized value of Net Operating Income.
  - Inflation of rents and costs not included.
  - Biff's includes estimated property tax benefits of Mill's Act.
- (2) Development costs include all hard and soft costs.
- (3) Household income based on minimum income required, given anticipated prices (assumes rent is 35% of average income.
- (4) Assumes 30% of income spent on retail.
- (5) Retail/restaurant sales assume \$300/sq.ft.
- (6) Residential jobs include landscape maintenance, domestic services, etc. Retail jobs assume 300 sq.ft./job.
- (7) Construction jobs assume 25% of costs are wages, and avg. wage (BLS) is \$61,490.
- (8) Property tax represents the City General Fund share, post-ERAF, net of existing tax.
- (9) City General Fund 1% sales tax.
- (10) Property Tax in lieu of Vehicle License Fees (PTVLF) based on increase in City a.v. (\$45bill., FY14) and its proportionate increase on City PTVLF (\$33 mill., FY14).
- (11) Business License Tax of \$336/employee based on FY14 revenue/total jobs in the City.
- (12) Utility consumption tax based on \$100/service population, which is equal to residents and 50% of employees, times the service population of each alternative.
- (13) Property transfer tax collected upon sale of building, at \$15/\$1,000 of value.

## **Attachments**

Table A-1
Detailed Biff's Cost Estimates

	Op	tion	
Item	No Project	Avoidance	Comments
General Conditions	167,858	167,858	
General Requirements	102,539	102,539	
Site Construction			
Demolition	51,815	51,815	
Offsite Work	0	0	
Site Utilities	142,500	142,500	
Paving/Hardscape	53,500	53,500	
Site Improvements		10,000	Stand-alone + surface pkg striping/signs
Landscape/Irrigation	62,500	62,500	
Subtotal	330,315	320,315	
Concrete	132,444	132,444	Includes footings for steel upgrades
Masonry	1,000	1,000	
Metals			
Structural Steel		49,568	Revision adds structural steel upgrades
Ornamental		5,000	
Subtotal	54,568	54,568	
Wood & Plastics			
Rough Carpentry		38,778	
Finish Carpentry		112,736	
Countertops		8,840	Includes granite with formica
Subtotal	160,354	160,354	
Thermal/Moisture Protection			
Waterproofing		2,644	
Insulation		11,898	
Roofing/Sheet Metal		58,168	
Subtotal	72,710	72,710	
Doors and Windows	97,795	97,795	

Table A-1
Detailed Biff's Cost Estimates

Option							
Item	No Project	Avoidance	Comments				
Finishes							
Finish Protection/Clean Up		34,109					
Plaster/Stucco		85,050	Includes cost to replace shakes				
Gypsum		98,271	·				
Hard Tile		145,196					
Punch List		2,500					
Paint/Wall Covering		36,220					
Subtotal	401,346	401,346					
Specialties							
Bathrooms		7,200					
Misc.		1,600					
Signage		52,500	Includes sign costs				
Subtotal	61,300	61,300					
Conveying Systems	50,000	50,000					
Viechanical	335,774	335,774					
Electrical	256,210	256,210	Includes replica fixtures				
SUBTOTAL	2,224,213	2,214,213					
Furnishings	25 <b>132,200</b>	25 <b>132,200</b>	Assumes tenant allowance of \$25/sq.ft				
Equipment							
Food Service	250,000	250,000					
Frash Compactors	25,000	25,000					
Audio/Visual	15,000	15,000	cabling, etc.				
Subtotal	290,000	290,000					
Design	410,000	410,000	Includes ADA consultant				
nsurance/Precon/Inspection	45.00-	45.00-					
QA/QC & Testing Services	45,000	45,000	Permit expeditor, onsite inspection				
Design Support / Estimating Co		13,500					
nsurance & Bonds	75,858	75,858					
Subtotal	134,358	134,358					

Table A-1
Detailed Biff's Cost Estimates

Option							
Item		No Project		Avoidance	Comments		
Fees/Permits/Assessment	\$14	74,032			BA estimate (2-3% of hard cost, \$14/sf) Fees inc. in Avoidance and Adaptive		
Other				F 000	pro formas		
Office Reimbursable		0.4.70.6		5,000			
Labor Burden		34,706		34,706			
City of Oakland Gross Rece	ipts Tax	6,082		6,082			
Subtotal		40,788		45,788			
SUBTOTAL		3,305,591		3,226,559			
Contingency	7.0%	231,391	5.0%	161,328	Increased contingency for Stand-alone		
Finance (% of hard costs)	7.0%	170,131			Finance costs in "Avoidance" pro forma		
Taxes during construction	1.35%	16,406			Taxes included in "Avoidance" pro form		
Fee	6.0%	212,219	4.0%	135.515	Fee increased for Stand-alone pro forma		
Land (% of value)	20.0%	496,000		.,	Avoidance and Adaptive include land		
TOTAL	20.070	4,431,738		3,523,402	in total project development costs.		

Source: The Hanover Company; Berkson Associates. Estimates based on Preliminary Structural Evaluation Report for the 2630 Broadway Street Building, DCI+SDE Project No. 15081-0072, June 19, 2015.

Table A-2 Mills Act Property Tax Calculator

Item	Factor	Amount
CURRENT TAXES		
Assessed Value Total Property Tax (1) Property Type (1=Residential, 2=Commercial)	Before Mills Act benefit 1.3500% 2 Commercial	\$2.318.000 <b>\$31,293</b>
MILLS ACT TAXES		
Annual Income Monthly Rent Leaseable Area Annual Rent (less) Annual Expenses (2) Net Annual Income	\$2.50 /sq.ft./ month 5.000 square feet 5% of Annual Rent	\$150,000 (\$7,500) \$142,500 \$2,035,714
Capitalization Rate Interest (3) Risk Component (4) Tax Rate (1) Total. Cap Rate (Land)	4.3100% FHA Oct. 2014 2.0000% 1.3057% 7.6157%	
Amortization (5) Total, Cap Rate (Improvements)	1,6667% 9.2824%	
Assessed Value & Taxes Weighted Average Capitalization Rate (6) Assessed Value (based on Mills Act) Total Property Tax	8.9490% 1.3057%	\$1,592,351 <b>\$20,791</b>
CHANGE IN TAXES		
Decrease due to Mills Act Change compared to Current Taxes		(\$10,502) -34%

- (1) Total property tax rate is greater than 1 percent due to tax overrides. Total rate may vary slightly year-to-year, and depends on specific location. Actual taxes will also depend on share of overrides which are per-parcel rather than a % of value.
- (2) Alameda County Assessor's Office assumes approximately 25 percent of income goes to property maintenance and other operating expenses.
- (3) State Board of Equalization Mills Act interest rate. This rate is updated no later than October 1 of each year.
- (4) Risk component is 2 percent for commercial properties and 4 percent for residential properties.
- (5) Amortizes improvements over 60 years.
- (6) Assumes that land comprises 20 percent of value and improvements comprise 80 percent of value. Value of land is not amortized.

## APPENDIX B UPDATED HISTORIC ASSESSMENT OF BIFF'S COFFEE SHOP

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## PAGE FERNOLER

#### **MEMORANDUM**

August 11, 2015

Scott Youdall

The Hanover Company 2010 Crow Canyon Place, Suite 100 San Ramon, CA 94583 15149

Biff's Coffee Shop

315 27th Street, Oakland, CA

Stacy Farr

email

#### Updated Historic Assessment of Biff's Coffee Shop

The following is an update to Page & Turnbull's 2007 Preliminary Assessment of Biff's Coffee Shop at 315 27th Street in Oakland. In May 2015, representatives of Page & Turnbull and representatives of Structural Engineers, SDE-DSI Engineers visited the building, which has been vacant since the late 1990's. The building is boarded up with plywood at the perimeter of the glazed areas, and existing doors are padlocked with chains. It appears that the electrical service to the building is still operational and a main panel board is in place. However, there is no interior lighting and it does not appear that there are any working utilities in the building.

This updated memo uses the 2007 memorandum as its base, with updated descriptive and historic status information integrated into the text. Refer to Appendix 1 for a structural assessment prepared by SDE-DSI Engineers. Since the date of the original memo, the City of Oakland has prepared an environmental impact report for this portion of Oakland (Broadway Valdez District Specific Plan Environmental Impact Report [BVDSP EIR]). The BVDSP EIR indicates that Biff's Coffee Shop at 315 27th Street has Heritage Property status due to a Landmark Board determination of local register eligibility on January 13, 1997. The building is therefore considered a "historic resource" under the California Environmental Quality Act (CEQA).

Page & Turnbull surveyed the exterior and interior of 315 27th Street and conducted site-specific research using the Oakland Cultural Heritage Survey (OCHS), as well as our own in-house library, to determine the recorded historic status of the building. In 2015, another site visit was made, and additional research was done at the Oakland History Room at the Oakland Public Library, and using additional online sources.

#### **Brief History and Description**

According to information collected by the OCHS, Biff's Coffee Shop was designed by Armet & Davis, a Los Angeles-based architecture firm that was already well-known for modern, automobile-age restaurants. The building was constructed between 1962 and 1964 at a cost of \$100,000 for owners Standard Oil of California, simultaneous to the construction of a service station on the same

669 s Ooffee Strop (21) [20] Strong (11) 40] Page 2 of 17

irregularly-shaped block, bounded by Broadway, 27<sup>th</sup> Street, Valdez Street, and 26<sup>th</sup> Street. The two-day grand opening celebration for the combination restaurant and service station started on Friday, May 31, 1963 (*Figure 1, 2*). Although the entire property was owned by Standard Oil, the restaurant was to be operated by Biff's, a Los Angeles-based chain.

The parcel on which both Biff's Coffee Shop and the Standard Oil Station were located was formed in the 1950s, part of modifications made to the existing street grid as part of regional transportation improvements which included the construction of the Grove Shafter Freeway system and the Bay Area Rapid Transit system (BART), which was planned in the late 1950's and constructed in the early 1960's. The freeway project and related local street modifications were done in an attempt to improve regional vehicular congestion on Oakland streets by creating connections between the older urban core and the rapidly developing suburbs to the east. As part of these improvements, local streets were modified to become intermediate feeders from the freeway on- and off-ramps to the existing street grid. Affected streets in the vicinity of Biff's included 27th Street, which was widened from a four-lane street into a divided boulevard from Bay Street to San Pablo Avenue, and Valdez Street, which was widened and reconfigured from Grand Avenue to 27th Street (*Figure3*).

Biff's Coffee Shop is a one story reinforced concrete block structure with large plate glass windows around slightly more than half of the exterior. It is circular (38'-6" in radius according to the original building permit), with entry and utility projections. Wall construction is a combination of load bearing concrete block and wood stud framing with masonry veneer and stucco finishes. The projecting, cantilevered roof structure is supported by a combination of steel girders and wood beams which are supported on thin pipe columns concealed within the window wall and within the interior concrete masonry walls. The roofing is composition, obscured by a broad, encircling plaster fascia. The building has an original conical "roof fence" of wood slats surrounding the mechanical penthouse at the center; the roof fence is visible only from a distance. The site slopes downward from west to east, creating an approximately four foot change in elevation from one side of the building to the other. The building has a perimeter concrete spread footing with integrated floor slab; the concrete slab cantilevers over the foundation on the north, northeast, and east elevations.

The building is ringed by a concrete walkway with diamond shaped embossments. Original renderings show that the building, landscaping, and large tall sign with crossed poles were part of a carefully integrated site composition (*Figure 4*).

The building's primary entrances generally face north towards 27th Street, adjacent to a battered buttress of split-face concrete block. The windows are also generally oriented north and east. The interior arrangement of the building originally included the main dining room at the northeast of the circular building, and service areas towards the southwest. A second smaller banquette room (noted as Dining Room # 2 on the original plans) was located at the western portion of the building, adjacent to a small vestibule housing payphone recesses and the entrance to the toilet rooms.

Original custom detailing included a zig-zag canopy that followed the half-circle counter, terrazzo floors, geometric wood paneling, and a central "exhibition cooking" area which was innovative for its time. The ceiling of the zig-zag canopy was made of a vinyl cover on plaster. It was divided into radiating bays by hard-wood "fins" which enclosed and supported it. The underside of the entry

canopy was of textured plaster inside, and of painted, textured, stucco outside. Elsewhere, the ceiling finish was acoustic tile. The interior was lit by recessed downlights, originally with elongated period-type pendant fixtures throughout the dining area (*Figure 5,6*).

The interior of the building was in very poor condition at the time of the 2015 site visit (*Figures 7-11*). The majority of interior finishes and the original pendant fixtures have been removed, damaged, or have suffered from a lack of maintenance. Remnants of the original interior materials remain, including dark burlap-type wall covering, acoustic ceiling tiles, wood grained linoleum trim at the aluminum window system, a single built-in booth, a wood-paneled wall in the "banquette room," and heavily damaged terrazzo floor system. Of the remaining interior finishes, the wood paneled wall in the "banquette room" is the most intact.

While a thorough assessment of the exterior was not possible during a site visit due to plywood protection, the exterior aluminum and glass wall system and concrete block outer walls appear to be in good condition. Visible interior portions of the wood structure supporting the battered exterior walls show signs of extreme dry rot. Portions of the underside of the roof structure that are visible through the removed areas of original ceiling look to be in good condition.

Several interior walls project out through the window-wall to the exterior. Although originally intended to be constructed in a stone veneer (according to renderings), they were actually covered with brick. The booths were green naugahyde, each booth was designed to have a telephone, as well as an outlet and counter for a toaster. The restaurant was designed to seat 125 people and cater to families.

The building has had numerous alterations. In 1972, additions were made to the exterior walls at the rear (south) side, of the building, including a new rear wall of curved concrete block with a garage door, which partially extended beyond the overhanging roof. Additional alterations were made in 1975, when the roof fascia was covered in wood shingles creating a mansard-like appearance. At this time, the exterior metal and plexi-glass light fixtures, placed at regular intervals around the roof fascia, were replaced with curved wood-slatted ones. The main entry, which was originally a glassed vestibule recess beneath the curved glass façade, was enclosed with opaque materials and extended outward.

When Chevron closed the building in November 1996, they removed the exterior signage, removed many of the interior fixtures, erected a wire fence around the building, and boarded the windows (*Figure 12,13*). Despite the 1972 and 1975 alterations and the recent removal of various architectural elements, the northern portion of the exterior perimeter of the building is still relatively intact.

However, the general condition of the building is not good. The 1972 and 1975 alterations—including the addition of roof shingles, removal of exterior light fixtures, addition of opaque entrance enclosure, rear addition, interior alterations to the back of house spaces, and removal of original pendant fixtures—have diminished the original character of the building. The building windows are boarded up and covered with layers of graffiti and covering paint, and exterior landscaping has been

allowed to die or overgrow. While the crossed structural supports for the original sign partially remain, the upper portions of the supports and the signboxes no longer exist.

The interior of the building has been heavily gutted since the closing of the restaurant. All salvageable metals including restaurant fixtures, wiring and other systems have been removed, and large holes exist in the concrete/terrazzo floor system. Due to leaks in the roofing system, there is interior water damage and evidence of mold.

The below table includes a chronology of Biff's Coffee Shop, including building permits on file with the City of Oakland, as well as selected other events.

Date	Permit Number	Description
10/24/1962	C5123	Diner built at 26th Street/27th
		Street and Broadway. Architects: Armet and Davis
5/31/1963		Biff's Coffee Shop and
		Restaurant and Standard Oil Station open
1/3/1972	C63755	Addition of block in like construction to enclose service pad
10/19/1973	C63755	Fire regulations
12/20/1975	C86175	Shake Shingle exterior roof, remodel bathrooms, new booth dividers, new entrance
4/1/1998		Proposed McChevron plans proposed, but never executed.

#### Recorded Historic Status

Oakland Cultural Heritage Survey

Biff's Coffee Shop received a rating from the Oakland Cultural Heritage Survey of \*b+3:

- The "\*" is the existing individual property rating of the building, which indicates that the building was not rated due to age-ineligibility.
- The "b+" is the contingency individual property rating of the building, which is given when it is considered that future conditions or circumstances could significantly change, such as "if restored" or "when older" or "with more information." In this case, the contingency rating indicates that the building could potentially be assigned the rating of B+, which is a rating of "major importance."
- The "3" is the multiple property rating of the building, and indicates that the building is not located within a historic district.

The historic preservation element of the Oakland General Plan Policy 1.2 states that any property which receives an "existing" or "contingency rating" of A, B, or C, and is not already designated as a Landmark, Preservation District, or Heritage property, will be termed a "Potential Designated Historic Property".

From the findings of the Survey, the City of Oakland Landmarks Preservation Advisory Board determined on January 13, 1997 that Biff's Coffee Shop was eligible to be a City Landmark, although they decided not to put forward its nomination to the Planning Commission.

According to the 1996 OCHS survey form, Biff's is significant,

"particularly for its design quality and materials and type/style and designer. It is not located in a district (3). Its survey rating makes it a historic property under Oakland's Historic Preservation Element. At present it does not appear eligible for individual listing on the National Register.

The California Historical Resources Information System (CHRIS)

The California Historical Resources Information System (CHRIS) is a statewide system for managing information on the full range of historical resources identified in California. CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals, twelve information centers, the CHRIS Hub, and various agencies. This system is under the authority and direction of the Office of Historic Preservation (OHP), the State Historic Preservation Officer (SHPO), and the State Historical Resources Commission (SHRC). The twelve information centers provide archeological and historical resources information to local governments and individuals with responsibilities under the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA).

Biff's II Coffee Shop is listed in the CHRIS database with a status code of 7R, which indicates that the property "Identified in Reconnaissance Level Survey: Not Evaluated."

Oakland Heritage Property Status

According to the Historic Preservation Element of the Oakland General Plan (Appendix A: Definitions, page A-3), Heritage Property status pertains to properties which appear potentially eligible for Landmark of Preservation District designation because they have either received an existing or contingency rating of A, B, or C from an intensive survey, or have an existing or contingency rating of A or B from the reconnaissance survey, or contribute or potentially contribute to any area potentially eligible for Preservation District designation.

Heritage Properties are designated either by the Landmarks Preservation Advisory Board or City Planning Commission, or provisionally by the Planning Director.

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Demolition or removal of Heritage Properties and specified major alterations may be postponed for up to 60 days at the discretion of the Planning Director, with a possible 60-day extension.

Biff's Coffee Shop has Heritage Property status due to a Landmark Board determination of local register eligibility on January 13, 1997. Following guidance provided in Appendix A: Guidance on Historical Resources of the *City of Oakland CEQA* [California Environmental Quality Act] *Thresholds of Significance Guidelines*, dated October 28, 2013, the building is therefore considered a "historic resource" under CEQA

#### Conclusions

#### Evaluation of Historic Significance

Biff's Coffee Shop appears individually eligible for the California Register under Criterion 3 (Architecture) as a building that embodies the distinctive characteristics of a type, and as a representative work of a master architect. Biff's is an unusual example of a late Googie-style coffee shop in the San Francisco Bay Area. The building exhibits a number of design features characteristic of the Googie style, including the building's circular shape, "floating" appearance, orientation to the automobile, cantilevered roof, lack of traditional ornament, and use of modern materials such as concrete block and plate glass. Biff's is a rare example of a circular, Googie-style coffee shop in Northern California.

Biff's was designed by Los Angeles firm Armet & Davis, leaders of the 1950s-1960s modern coffee shop architecture. According to architectural historian Alan Hess, author of *Googie: Fifties Coffee Shop Architecture*, Arnet & Davis helped establish "Coffee Shop Modern" as a major popular modern style, and their work created the "major physical memory" of this type. Armet & Davis were known for selecting materials that flaunted new shapes and textures. They were an extremely prolific firm, and designed more than 2,000 diners throughout California. Of the many coffee shops they designed, relatively few have survived. Biff's is a representative example of the work of this prolific and influential firm *(Figure 14)*.

#### Evaluation of Integrity

In addition to qualifying for listing under at least one of the California Register criteria, a property must be shown to have sufficient historic integrity to convey its historic significance. The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, in evaluating adverse changes to them. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Seven variables or aspects that define integrity—location, design, setting, materials, workmanship, feeling and association—are used to evaluate a resource's eligibility for listing in both the California Register and the National Register. According to the

Biff's Cuffee Shop, 315 27 1 Street [16 149]. Page 7 of 17

National Register Bulletin: How to Apply the National Register Criteria for Evaluation, these seven characteristics are defined as follows:

- Location is the place where the historic property was constructed.
- Design is the combination of elements that create the form, plans, space, structure and style
  of the property.
- Setting addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building(s).
- Materials refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history.
- Feeling is the property's expression of the aesthetic or historic sense of a particular period of time
- Association is the direct link between an important historic event or person and a historic property.

There is a critical distinction between the two registers, however, and that is the degree of integrity that a property can retain and still be considered eligible for listing. According to the California Office of Historic Preservation:

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant or historical information or specific data.

Thus, the California Register may include properties that have suffered a greater degree of damage to their integrity than would be acceptable for listing in the National Register.

Additionally, different aspects of integrity vary in importance depending on under which criteria or criterion a building has been found significant. Buildings significant for association with patterns, events, and persons (Criterion 1 and 2) generally must retain strong integrity of location, setting, feeling and association in order to be able to continue to convey their historic significance. Buildings significant for their architecture (Criterion 3) generally must retain strong integrity of design, materials, and workmanship.

Biff's retains integrity of location because it remains at the site where it was constructed.

Biff's integrity of design is negatively impacted by certain aspects of the 1972 and 1975 alterations, including the removal of the original roof material and replacement with roof shingles, the addition of an opaque entrance enclosure, and the addition of an exterior wall. However, important character-defining features of the building's original design remain, including the circular footprint, "floating"

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appearance, orientation to the automobile, cantilevered roof, lack of traditional ornament, and use of modern materials. Overall, the building retains fairly strong integrity of design.

Biff's does not retain integrity of materials and workmanship due to the removal of a significant amount of original material, including the majority of interior finishes, booths (which are in storage), original pendant fixtures, heavily damaged terrazzo floor system, original roof material, and original exterior signage. Although Biff's does retain some of its original materials and workmanship, the overwhelming majority of the character-defining materials and workmanship which enable the building to convey its historic appearance and significance are no longer extant at the building, and therefore Biff's does not retain integrity of materials or workmanship.

Due to the loss of integrity of materials and workmanship, as well as reduced integrity of design and setting (detailed in the following section), Biff's integrity of feeling and association are both low. While the building's shape and siting are generally able to convey its era of construction and its use as a restaurant, changes to some of the building's design elements, the loss of original materials and workmanship, and changes to the setting all combine to disable the building from accurately conveying the aesthetic sense of its era of construction.

In sum, Biff's Coffee Shop retains moderate integrity of design, feeling, association, and setting (detailed below), and does not retain integrity of materials or workmanship due to severe loss of original materials. At this time, the building's integrity is insufficient for listing on the National or California Registers. If the building were rehabilitated to its 1964 appearance, it could be reevaluated for state and national register listing.

#### Setting

The integrity of immediate setting of Biff's Coffee Shop is significantly lowered. Although Biff's is situated in Oakland's Broadway Auto Row, the building is set well back from Broadway, at the east portion of its site. The building is viewed primarily from 27th Street, where the circular sweep of the building touches the sidewalk on the site's north-easterly side. When Biff's was constructed, the west portion of the lot included a Standard service station, which faced onto Broadway. The site also included two tall light-box signs atop crossed poles, extensive playful landscaping, a circular outdoor eating area, and parking was arranged so that cars radiated out from the edge of Biff's circular footprint. Of these original site features, the service station and light-box sign have been removed. The radial parking arrangement and the outdoor eating area have been altered. And, the landscaping has either been removed or overgrown through neglect. The majority of the lot is currently paved and used as a surface parking lot.

The integrity of the broader setting of Biff's Coffee Shop remains generally strong, and generally mirrors conditions as they existed when the building was completed in 1964. Biff's can be distinguished from the majority of Auto Row buildings along Broadway by its use, unique style and comparatively late date of construction. Circular in form, it stands on an "island" block amongst the predominantly rectangular façades, and is not so solidly "grounded" as other buildings. Instead of a decorated cornice it has a projecting dominant fascia, and unlike the showrooms, it gives the appearance of "floating".

Despite these differences, the building has a comparative scale with other buildings along Broadway's Auto Row, and does not seem out of place amongst the variety of styles and building types. Furthermore, the building's googie-style architecture ties it to an era of veneration the automobile industry, and thus references the other surrounding automobile-related buildings. The building partially retains its setting because it contributes to the variety of auto-related buildings along Oakland's Broadway Auto Row.

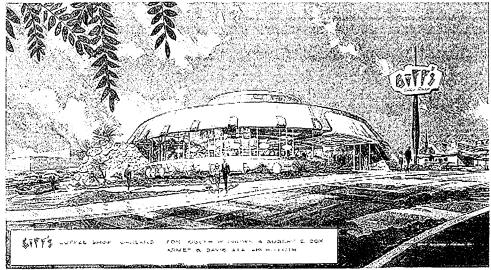


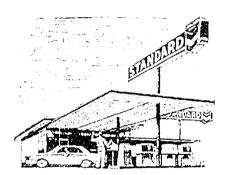
Figure 1: Amet & Davis Architects Rendering of Biff's Coffee Shop, 1964.

#### Today and tomorrow you are invited to the

#### MIFE'S COFFEE SHOP AND OUR NEWEST STANDARD STATION AT 27TH & BROADWAY, OAKLAND



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BAFF'S COPFEE SHOP . STANDARD STATIONS, INC.

Figure 2: Grand opening announcement for Biff's Coffee Shop and Standard Station at 27th Street. Source: Oakland Tribune, May 31, 1963.

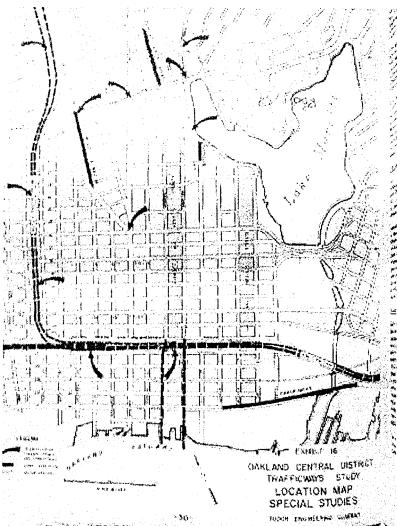


Figure 3: Modified Parcel at Biff's/Standard Location. Source: Oakland Central District Trafficways Study, prepared by Tudor Engineering Company, August 1963.



Figure 4: Rendering of Biff's Coffee Shop and Standard Station, facing southwest. Source: <a href="http://www.flickriver.com/photos/romleys/1499627772/">http://www.flickriver.com/photos/romleys/1499627772/</a>.

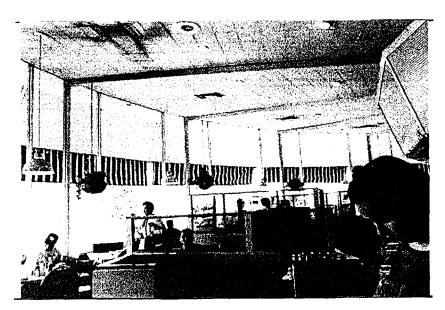


Figure 5: Interior View, Page & Turnbull, 1996

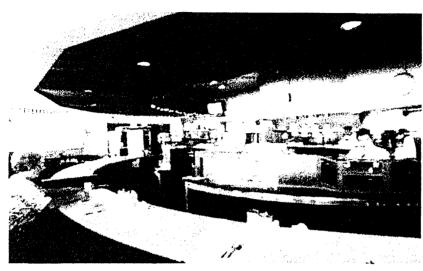


Figure 6: Interior View, Page & Turnbull, 1996

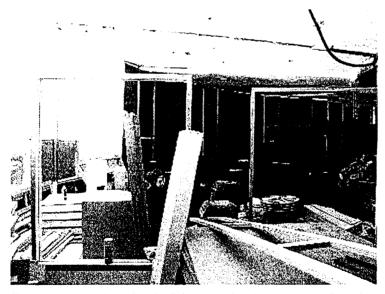


Figure 7. Interior view of main dining room looking southeast, Page & Turnbull, July 2007

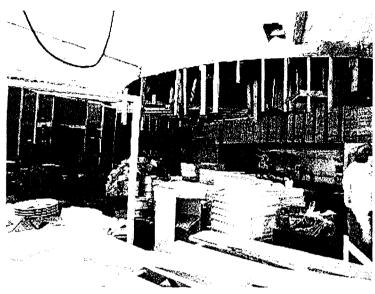


Figure 8. Interior, looking toward former counter and open kitchen, Page & Turnbull, July 2007



Figure 9: Interior View looking toward former counter at open kitchen (similar vantage point to Figure 8), Page & Turnbull, 2015.



Figure 10: Interior View looking toward former counter at open kitchen (similar vantage point to Figure 7), Page & Turnbull, 2015

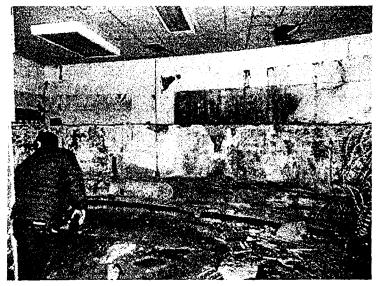


Figure 11: Interior View at back-of-house area, Page & Turnbull, 2015



Figure 12: Exterior View from southeast, Page & Turnbull, 1996

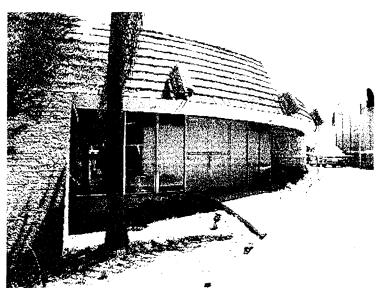


Figure 13.Exterior view from northwest, Page & Turnbull, July 2007

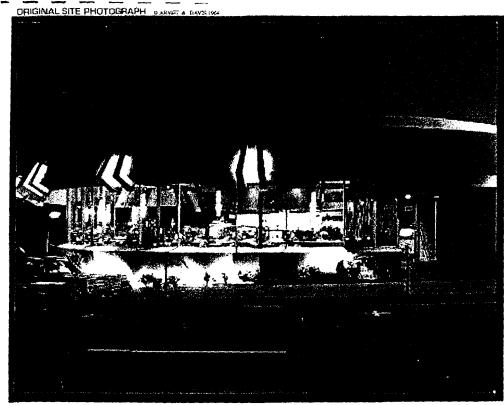


Figure 14: Amet & Davis Architects Site Photograph, 1964.

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## APPENDIX C PHOTOGRAPHS BIFF'S COFFEE SHOP

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## **Photographs of Biff's Coffee Shop**

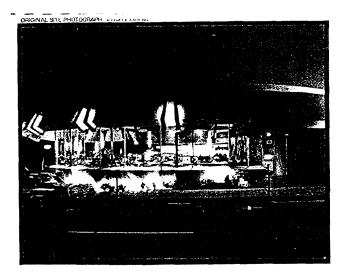


Photo 1: Biff's Coffee Shop in 1964. Credit: Armet & Davis.



Photo 3: Modern day Biff's Coffee Shop. Credit: Page & Turnbull.

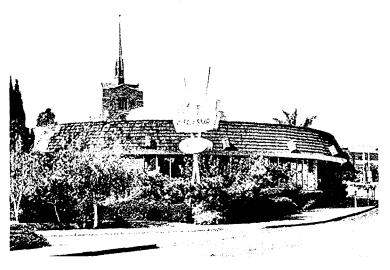


Photo 2: Biff's Coffee Shop in the 1970s. Credit: Quirky Birky.

## APPENDIX D ITEMIZED SOUNDNESS REPORT COSTS

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01015	Express Delivery		MO		0	200 80	1,088		0	1,088	0.21	0.0%	
01016	Office Expense & Supplies		MO		0	300.00	1,631		9	1,631	0.31	0.0%	
01017	Blueprint & Copy Expenses		LS		0	5,000 00	5,438		0	5,438	1,03	0.2%	
01019	Computer Equipment		LS		0		0	5,000.00	5,000	5,000	0.95	0.1%	
01020	Computer Software/Supplies		LS		0		0	6.500.00	6,500	6,500	1.23	0.2%	
C1027	Petty Cash		LS		0		0	500.00	500	500	0.09	0.0%	
01028	Office Rental		MO		0	500.00	2,719			2.719	0.51	0.1%	
01031 01050	Field Office Furniture Water, Ice, Cups, & Coffee		LS		<u> </u>	2.500 00	2,719 1,088			2,719 1,086	0.51 0.21	0.1%	
01057	Project Sign		ILS	······································	<del>                                     </del>	200 90	1,000	1,000.00	1,000	1,000	0.19	0.0%	
01100	Construction Salanes/Incentive		ils	133,923.16	133,923			1,000.00	1,000	133,923	25.33	4.0%	
	- Control Control Control	·	150	100.020.70	0		o		0	0		0,0%	00
	GENERAL REQUIREMENTS		1		0		64,217		38,322	102,539	19,39	3.0%	
					0		0		0	0	-	0.0%	
01013	Material Handling/Forklift		MO		0	500 00	1,631		0	1,631	0,31	0.0%	
01021	Temporary Fence - Site Perimeter	1,000			Ö	20.00	21,750		0	21.750	4.11	0.6%	
01022	Temporary Gates		2 EA		0	750 00	1,631		0	1.631	0.31	0.0%	
01023	Watchman Services		MO		0	5,000.00	21,750		0	21,750	4.11	0.6%	
01029	Equipment Rental		MO		<u> </u>	500 00	2,175		0	2,175	0.41	0.1%	
01038	Fire Extinguishers Safety Equipment/Supplies		EA 5 MO		0	45.00 200.00	734 1,088		- 0	734 1,088	0.14	0.0%	
01040	First Aid Equipment/Supplies		5 MO		1	125 00	680		<u>}</u>	680	0.21	0.0%	
01041	Small Tools		5 MO		<del>                                     </del>	350 00	1,903	<del>-</del>		1.903	0,36	0.1%	
01043	Licensed Survey & Engineering		1 LS		1	330 170	0	10,000,00	10,000	10,000	1.89	0.3%	
01045	Temporary Water & Sewer		5 MO		1 - ដ	390 06	1,631		0	1,631	0,31	0.0%	GÇ
01046	Building Checkout Power		IUN		ő	1,500 00	1,631		0	1,631	0,31	0.0%	
01048	Temporary Electrical		5 MO		Ö	750 00	4,078		Ö	4,078	0,77	0.1%	
01051	Job Toilets		4 MO		ō	500.00	2,175		0	2,175	0.41	0.1%	GC
01052	Temperary Telephone		5 MO	1	Ō	250 00	1,359		0	1,359	0.26	0.0%	
01056	Employee Safety Training		1 LS		0		0	4.000.00	4,000	4.000	0.76	0.1%	
01210	Miscellaneous General Conditions		1 LS		0		0	3,000 00	3,000	3,000	0.57	0.1%	
01220	Topping Out Party	None	LS		0		0		0	0		0.0%	
00.264	Mold/Mildew Prevention	5.28	8 AGBA	1	0		0	0.25	1,322	1,322	0.25	0.0%	GC
01351 01571	Street Lease/Bond/City Services		1 LS					20,000,00	20,000	20,000	- 3.78	0.6%	

COST	DESCRIPTION	T	T	LABOR	l	MATI	ERIAL	SUBCO	NTRACT	TOTAL		% OF	
CODE	Rehab	QUANTITY	UNIT	S/UNIT	TOTAL	S/UNIT	TOTAL	SIUNIT	TOTAL	BUDGET	\$/GRA	TOTAL	
		1			C		0		. 0	0		0.0%	GC
02000	SITE CONSTRUCTION				0		0	//www.	320,315	320,315	60.57	9.5%	
	Demotition/Abatement:		<u> </u>		0		0		0	- 0		0.0%	
02130	Offsite demolition (Per BKF Estimate)	excluded	LS		0		0	153,551.00	0	- 0			Excluded
02220	Site Demolition	excluded	SF		0		0		0	0		0.0%	
02221	Denio Shake roof and decking	none	SF	l	0		0	1.43	0	0		0.0%	
02221	Demo Flat roof and Decking	5,288			0		. 0	1 43	7,562	7.562	1.43		Primary
02221	Demo Extenor Soffit	2,160			0		0	0.75	1,620	1,620	0.31	0.0%	
02221	Demo Interior Drywall to studs	8.88			0	<u> </u>	. 0	0.46	4,085	4,085	0.77		Excluded
02221	Demo Existing Millwork and Doors		LS		0	1	0	15,000 00	15,000	15,000	2.84	0.4%	Excluded
02221	Demo Existing storefront system	1,260			0	4	0	1 00	1,260	1,260	0.24	0.0%	Primary
02221	Demo Existing Flooring	3,288	SF		0	1	0	1.00	3,268	3,288	0.62	0.1%	Excluded
02221	Cleanup and Hauloff		ILS		0		0	9,000.00	9,000	9,000	1.70	0.3%	Secondary
					0		0		0	0	-	0.0%	•
02998	Miscellarieous Site Work		ILS		0		0	10,000.00	10,000	10,000	1.89	0.3%	Excluded
					0		0		0	0		0.0%	
	Off-Site Work:				O		0		0	0	- 1	0.0%	
02010	Off-Site Improvements	excluded	LS		0	, , ,	0	400,000,00	0	0	-	0.0%	
			T	I	0		0		ol	0	-	0.0%	
			T		0		0		ol	0		0.0%	
	Site Utilities:		1		0	1	0		1 ol	0		0.0%	
02212	Gas Services		ILS		O		0	2.500.00	2,500	2,500	0.47		Secondary
02510	Water		ILS		0		0		2,500	2,500	0.47		Secondary
02530	Sanitary Sewer		LS	f	0	f	0	2.500.00	2,500	2,500	0.47		Secondary
02630	Storm Water	excluded	LS		0		1		0	0		0.0%	,
02630	Storm Water - Flow through Planters		ILS		0		0	50,000,00	50,000	50,000	9,46		Excluded
02758	Cut & Patch Street		I LS		- C		Ŏ	25 000 00	25,000	25,000	4,73		Excluded
02785	Dry Utilities - Upgrade Electrical		1 EA		i i	1	0	50 000.00	50,000	50,000	9,46		Excluded
02785	Dry Utilities - Relocate Existing	Assumed none	+	1					0	0.000		0.0%	
C2790	Dry Utilities - Phone/Data		1 EA				<del></del>	5 000 00	5,000	5 000	0.95		Excluded
02795	Dry Utilities - Cable		1 EA			<del></del>	<del>                                     </del>	5 000.00	5,000	5.000	0.95		Excluded
02.155	Dry C.inties - Cable		1-0			<b></b>		3 000.00	0,000	3,000	- 0.55	0.0%	
	Paving/Hardscape:		+	<del></del>		4	<u>`</u>		- 3		<del></del>	0.0%	
02740			1 LS			<del></del>	ļ — — ×	15,000 00	15,000	15,000	2,84		Excluded
02775	Asphatt Repairs Sidewalks - Site	2,50				<del></del>	1	15.00	37,500	37,500	7.09		Excluded
			1 LS	<b>-</b>		<del></del>	1		1,000	1,000	0.19		Excluded
02777	Equipment Pads	<del></del>	112	<b></b>		<del></del>	1	1,000.00	1,000	1,000	0.19	0.0%	Excluded
	Site Improvements:		<del></del>			<u> </u>	- 0	<del> </del> _	0			0.0%	
00704		excluded	SP			<del></del>	<del>                                     </del>	40.00	- 0		<u>-</u>		Excluded
02761	Striping/Handicap Signs	excluded	1LS		<del>`</del>	1	1		10,000	10,000	1,89		Excluded
02870	Site Furnishings		ILS		<u> </u>	<del>{</del>	<del>                                     </del>	10.000.00	10,000	10.000	1,03	0.0%	EX CIDOEO
			┿			4	<del> </del>	3		- 0	<del>-</del>	0.0%	
00010	Landscape/irrigation:		105		ļ	1	<del>                                     </del>	2.50	12,500	12,500	2.36		Excluded
02810	Irrigation System	5,00		<b></b>		<del></del>	+ <u>×</u>		12,500	12,500			Excluded
02900	Trees	none	LS	ļ	ļ <u>-</u>	1	+	50,000.00	37.500	37,500	7.09		Excluded Excluded
02900	Landscaping	5,00		<u> </u>		3	ļ	7.50	37,500 12,500	12,500			Excluded Excluded
02925	Landscape Drainage	5,00	USF	ļ		<u> </u>	ļ	2,50	12.500	12,500	2.36	0.4%	Cxcinaed
			+	<b></b>		<del></del>	1 0	<del></del>	0	0			
	4			<u> </u>	(				122-111	0)	25.05	0.0% 3.9%	
03000	CONCRETE						1 0		132,444	132,444	25.05	0.0%	
	Structural Concrete Work:		10-	<b> </b>		1	<u> </u>		1 00000	40.000			Delenant
03300	Repour busted Slab on Grade		0 SF	<u> </u>		4	<u> </u>		40,000	40,000	7.56		Primary
03300	New Footings for steel upgrades	14	2 CY	ļ		1	C		92,444	92,444	17,48		Excluded
				l	(	1			<u> </u>	0		0.0%	
04000	MASONRY				(	)	0		1,000	1,000	0.19	0.0%	
	Masonry:				(	<u> </u>	0		. 0	0		0.0%	
04210	Misc pointing of existing masonry		1 LS			)	0	1,000.00	1,000	1,000	0.19		Excluded
			1			)	C		0	0	-	0.0%	
05000	METALS							<del></del>	54,568	54,568	10.32	1.6%	
	Structural Steel:			L	1	7			0	<u></u> 아		0.0%	
05120	Miscellaneous/Structural Steel		8 AGBA			)		1.00		5,288	1.00		Primary
05120	Structural steel upgrades	1	5 TONS		1 - (	ni .	1 0	7 500 00	37.280	37.280	- 1	1	Excluded

COST	DESCRIPTION	QUANTITY	1	LABO	R	MATE	RIAL	SUBCON	TRACT	TOTAL		* OF	
CODE	Rehab	QUANTITY	TINU	\$/UNIT	TOTAL	S'UNIT	TOTAL	S'UNIT	TOTAL	BUDGET	S/GRA	TOTAL	
5510	Rails for ramps/stairs - Boilding	1 2	EA		0		0	3,500 00	7,000	7,000	1.32	0.2%	Secondary
	The state of the s				0		0		0	0	-	0.0%	,
	Ornamental/Miscellaneous Metals:				0		0			0	•	0.0%	
5585	Metal Canopies - Main Entry		1 EA		0		0	5,000 00	5,000	5,000	0.95		Excluded
			1		0		0		<u> </u>	0		0.0%	
06000	WOOD & PLASTICS				0		0		160,354	160.354	30.32	0.0%	
DOUDO	Rough Carpentry:						0		100,334	160,554	30.32	4.7% 0.0%	
06100	Rough Carpentry	5,288	ASE		<del>                                     </del>		0		5,285	5.288	1,00		Secondary
06100	Roof Repairs		1 LS		Ì	www	<u>`</u>	25,000 00	25.000	25,000	4.73		Primary
06100	FRP Panel	2,830			0			3 00	8,490	8,490	1.61		Excluded
					0		0		ō	O		0.0%	
	Finish Carpentry/Millwork:				0		0	1	0	C.		0.0%	
06200	Vanity Cabinets		2 LF		0		0	155.50	3,300	3,300	0.62	0.1%	Secondary
06200	Wall Paneling		6 LF		0		0		20,340	20,340	3.85		Excluded
06200	Bar Cabinets		2 LF		0		0	200 00	14,700	14,700	2.78		Excluded
06200	Exhibition cooking Cabinets - lower Exhibition cooking Cabinets - Upper		7 LF 7 LF		0		0	350.00 260.00	16,450 7,400	16,450 7.400	3,11 1,40		Excluded
06200 06200	BOH Kitchen cabinets - Lower		7 LF 4 LF		+ <u>-</u>		- 0		7.700	7,700	1,40		Excluded Excluded
06200	BOH Kitchen cabinets - Upper		4 LF		1 0			125 00	5,500	5,500	1.04		Excluded
06200	Storage Room Shelving		8 LF		1 0		0		10,200	10,200	1.93		Excluded
06200	Trim and Casing		3 LF		1 0				2,146	2,146	0.41		Excluded
06200	Decorative Millwork Allowance		1 LS		0		0		25,000	25,000	4.73		Excluded
					0		0		0	0	-	0.0%	
	Countertops:				0		0			0	-	0.0%	
06415	Granite Countertops	none	SF		0		0		0	. 0	-		Excluded
06415	Laminate Countertops	443	2 SF					20 00	8.840	8,840	1.67		Excluded
				,	0		0		0	- 0		0.0%	
07000	THERMAL/MOISTURE PROTECTION						0		72,710	72,710	13.75	0.0% 2.2%	
0.7000	Waterproofing/Damp Proofing/Sealants:						0	<u> </u>	72,710	12,110	- 13.73	0.0%	
07920	Joint Seatants - Building	5.28	8 AGBA		<del>                                     </del>			0.50	2.644	2,644	0,50		Excluded
01020	00.110000000	3,20	O/MODA		1 0		Ö		0	0	-	0.0%	LAGIOCO
	Insulation/Fireproofing:				1 0		0		0	0		0.0%	
07210	Spray Insulation Under Roof	5,28	8 SF		0		0	2 00	10,576	10,576	2.00		Primary
07840	Fire Stopping - Building		8 SF				0	0 25	1,322	1,322	0.25		Excluded
07840	Fire Proofing - Steel	none	LS				0	10,000.00	0	0			Primary
		_ <del> </del>			<u> </u>		0			<u> </u>		0.0%	
02040	Roofing & Sheet Metal:	<u> </u>	SF		<u> </u>			12.00	- 0			0.0%	Primary
07310 07500	Shake roof System  Modified Bituminous Roofing System	none 5.28	8 SF		<del> </del>			10.00	52,880	52.880	10.00		Primary
07620	Sheet Metal Flashing & Trim		8 SF		1			1 00	5,288	5,288	1.00		Primary
v. 02.0	Comment of the commen	3,20	Ť	· · · · · · · · · · · · · · · · · · ·	<u> </u>		0	d	0	0		0.0%	
		<del></del>	1		1 6		O O		ŏ	Ö		0.0%	
08000	DOORS & WINDOWS						805		96,990	97,795	18.49	2.9%	
	Doors/Frames/Hardware:								0	0		0.0%	
C8100	Hollow Metal Door & Frames - Standard		0 EA						6,500	6,500	1.23		Excluded
C8210	Wood Doors & Frames		7 EA		ļ				7,000	7,000	1.32		Excluded
08710	H.M Door Hardware - Standard		0 EA			1		450.00 450.00	4,500 3,150	4,500 3,150	0.85		Excluded Excluded
08710	Wood Door Hardware		7 EA		1	1	<u> </u>	450 00	3,150	3,150	0.60	0,1%	EXCIUGEO
	Glass & Glazing:	<del></del>	+-		<del>                                     </del>		}	<del>(  -  </del>	<u>`</u>	n	<del></del>	0.0%	
08410	Storefront Glass - Retail	1 26	OSF		<del>                                     </del>			60 00	75,600	75,600	14,30		Primary
08830	Mirrors - Framed		4 EA		<del>                                     </del>	185 00	805		240	1,045	0,20		Excluded
-0000	CONTROL OF CONTROL				1	100 00			0	0		0.0%	
			1		1 7	ol		ol t	0	0	-	0.0%	ĺ
00000	FINISHES		1		2,500				398,846	401,346	75.90	11.9%	
U9UUU	Finish Protection/Clean Up:				(			·	0	0		0.0%	
									3,966	3,966	0.75	0.44/	Excluded
09004	Final Cleanup - Building		38 UN					0 75	3,966	3,500			
09000 09004 09005 09006		w/ above	38 UN 22 PULL			)	(	0 450 00	9,900	9,900	1,87	0.0%	Excluded Primary

COST	DESCRIPTION		1	LABOR		MAT	RIAL	SUBCON	TRACT	TOTAL	T	% OF	
CODE	Rehab	QUANTITY	UNIT	S:UNIT	TOTAL	S/UNIT	TOTAL	S'UNIT	TOTAL	BUDGET	SIGRA	TOTAL	
99954	Common/Miscellaneous Labor	1,191	МН		0		0	17 00	20,243	20,243	3.83	0.6%	Secondary
					0		0		0	U	-	0.0%	,
***************************************	Plaster/Stucco:				0		0		0	0	-	0.0%	
9220	Plaster/Stucco - Soffits	2.160	SF		0		0	15 00	32,400	32,400	6.13	1.0%	Secondary
7310	Plaster to replace shake roof	3,510	SF		0		C	15 00	52,650	52,650	9,96		Secondary
	Scaffolding	w/above			0		0		0	0	-	0.0%	
					0		0		0	0		0.0%	
	Gypsum Wall Board:				0			i	0	0		0.0%	
9250	New Drywall partition both sides	353			0		0	55 00	19,415	19,415	3.67		Excluded
9250	Drywall existing wall, single side		LF		0		0	20.00	5,400	5,400	1.02		Excluded
9250	Decorative Drywall Furrdown allowance		LS		0		0	10,000 00	10,000	10,000	1.89		Excluded
9250	Drywall Ceiling	5,288	S LF		- 0			12 00	63.456	63,456	12.00		Excluded
	Hard Tile:		1		<u>0</u>		ļ	<b> </b>	<u> </u>	<u>V</u>		0.0%	
9380	Ouarry Tile	1,920	S.C.				- 0	16 00	30,720	30 720		0.0%	<b>5</b>
9380 9380	Dining Area Terrazzo	3,368					<u> </u>	22.00	74,096	74,096	5.81 14.01		Excluded Excluded
9380	Stone Veneer	1,068					<u> </u>	25.00	26,700	26,700	5.05		
9320 9320	Glass Wall Tile		SF		- 0		h	18.00	13,680	13,680	2.59		Excluded Excluded
- 36.11	Close VICE 176	750	151		<u>0</u>		t	10.00	13,000	13,000	2.59	0.4%	-xcmaea
9000	Punch List:		<del> </del>				l	1	<u>4</u>			0.0%	
9950	Punch List/Unit Touch Up Repairs		LS	2,500 00	2,500		<u> </u>	tl		2.500	0.47		Excluded
3330	7 drie Ede drie Todal op Repaid		150	2,570, 55	2,000	~~~			~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	1.000	- :	0.0%	Littouro
	Paint/Wall Covering:		<del> </del>		0		C		0	ō	-	0.0%	
9655	Concrete Floor Sealer	250	SF		0		0	2.00	500	500	0.09		Excluded
9910	Prep and Paint Exterior		LS		0		0	15,000.00	15,000	15,000	2.84		Excluded
9910	Paint Interior		AGBA		0		0	2.50	13,220	13,220	2.50	0.4%	Excluded
9910	Specialty Wall coverings		SF		0		C	10 00	7,500	7,500	1,42	0,2%	Excluded
			1		0		C		0	0		0.0%	
			1		0		C		ō	0	•	0.0%	
0000	SPECIALTIES				0				61,300	61,300	11.59	1.8%	
	Toilet Partitions/Accessories:								0	0		0.0%	
0810	Toilet Accessories - Public	1	LS		0			7.200 00	7,200	7.200	1.36		Secondary
			L		0		9	ļ	9	0		0.0%	
	Miscellaneous Specialties:				0				0	0	-	0.0%	
0520	Fire Extinguishers/Cabinets		3 UN		0			200 00	1,600	1,600	0.30		Secondary
			<del> </del>						0			0.0%	
	Signage:		<del></del>					05 444 50	50,000	50,000	<del></del>	0.0%	
0430	Exterior Signage - Back Lit Bldg ID		2 EA					25,000.00 2,500.00	50,000 2,500	50.000 2.500	9.46 0.47		Excluded Excluded
0440	Intenor Signage		IUN					2,500.00	2,500	2,500	0.47	0.1%	Excluded
			<del> </del>				1	<u> </u>				0.0%	
1000	EQUIPMENT								290,000	290,000	54.84	8.6%	
	ESCOT MENT		T		9				01	230,000	3-7,0-7	0.0%	
		1						·	<u>`</u>	- 0		0.0%	
	Miscellaneous Equipment		<del>                                     </del>		7			)					
1010	Miscellaneous Equipment: Food Service Equipment		1 LS					1	250,000	250,000	47.28		Secondary
	Food Service Equipment		ILS		0		<u> </u>	250,000.00	250,000 25,000	250,000 25,000		7.4%	Secondary Primary
1170	Food Service Equipment Trash Compactors		ILS IEA		0			250,000.00 25,000.00			47.28 4.73	7.4% 0.7%	
1170	Food Service Equipment		I ÉA		0			250,000.00 25,000.00 15,000.00	25,000	25,000	47.28	7.4% 0.7%	Primary
1170	Food Service Equipment Trash Compactors		I ÉA		000000000000000000000000000000000000000		(	250,000.00 25,000.00 15,000.00	25,000	25,000	47.28 4.73 2.84	7.4% 0.7% 0.4%	Primary
1170 1520	Food Service Equipment Trash Compactors Audio/Video Equipment		I ÉA					250,000.00 25,000.00 15,000.00	25,000 15,000 0	25,000	47.28 4.73 2.84	7.4% 0.7% 0.4% 0.0%	Primary
1170 1520 2000	Food Service Equipment Trash Compactors		I ÉA					250,000.00 25,000.00 15,000.00	25,000 15,000 0	25,000	47.28 4.73 2.84	7.4% 0.7% 0.4% 0.0% 0.0%	Primary
1170 1520 2000	Food Service Equipment Trash Compactors Audio/Video Equipment		I EA I LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0	25,000	47.28 4.73 2.84	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0%	Primary Excluded
1170 1520 2000	Food Service Equipment Trash Compactors Audio/Video Equipment		I EA I LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0	25,000	47.28 4.73 2.84	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0%	Primary Excluded
1170 1520 <b>2000</b> 2100	Food Service Equipment Trash Compactors Audio/Video Equipment		I EA I LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0 0 0 0 0	25,000	47.28 4.73 2.84	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0%	Primary Excluded
1170 1520 2000 2100 3000	Food Service Equipment Trash Compactors Audio/Video Equipment  FURNISHINGS Furnishings  SPECIAL CONSTRUCTION		I EA I LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0 0 0 0 0	25,000 15,000 0 0 0 0 0 0 0	47.28 4.73 2.84	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0%	Primary Excluded
1170 1520 2000 2100 3000	Food Service Equipment Trash Compactors Audro/Video Equipment  FURNISHINGS Furnishings		I EA I LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	25,000 15,000 0 0 0 0 0	47.28 4.73 2.84 	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0	Primary Excluded
1170 1520 2000 2100 3000	Food Service Equipment Trash Compactors Audio/Video Equipment  FURNISHINGS Furnishings  SPECIAL CONSTRUCTION  CONVEYING SYSTEMS		I EA I LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	25,000 15,000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	47.28 4.73 2.84      	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0	Primary Excluded
1170 1520 2000 2100 3000 4000	Food Service Equipment Trash Compactors Audio/Video Equipment  FURNISHINGS Furnishings  SPECIAL CONSTRUCTION	Excluded	LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0 0 0 0 0 0 0 50,000 0 335,774	25,000 15,000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	47.28 4.73 2.84 - - - - - - - - - - - - - - - - - - -	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0	Primary Excluded Excluded
1170 1520 2000 2160 3000 4000	Food Service Equipment Trash Compactors Audio/Video Equipment  FURNISHINGS Furnishings  SPECIAL CONSTRUCTION  CONVEYING SYSTEMS	Excluded 5.28	LS LS					250,000.00 25,000.00 15,000.00	25.000 15.000 0 0 0 0 0 0 0 0 0 0 0 35,774 9,254	25,000 15,000 0 0 0 0 0 0 0 0 50,000 0 335,774 9,254	47.28 4.73 2.84 	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0	Primary Excluded  Excluded  Excluded
	Food Service Equipment Trash Compactors Audio/Video Equipment  FURNISHINGS Furnishings  SPECIAL CONSTRUCTION  CONVEYING SYSTEMS  MECHANICAL	Excluded 5.28	LS					250,000.00 25,000.00 15,000.00	25,000 15,000 0 0 0 0 0 0 0 0 50,000 0 335,774	25,000 15,000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	47.28 4.73 2.84 - - - - - - - - - - - - - - - - - - -	7.4% 0.7% 0.4% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0	Primary Excluded Excluded

COST	DESCRIPTION	QUANTITY	UNIT	LABOR		MAT	RIAL	SUBCONT	RACT	TOTAL	T	% OF	
CODE	Rehab	QUANTITY	UNIT	\$/UNIT	TOTAL	S/UNIT	TOTAL	S/UNIT	TOTAL	BUDGET	S/GRA	TOTAL	
15700	HVAC	5.288	SF		o	7	ol	40 00	211,520	211,520	40.00		Secondary
					0		0		0	0		0.0%	0000
					0		0		0	0		0.0%	
16000	ELECTRICAL				0		0		256,210	256,210	48.45	7.6%	
16001	Electrical	5.288			0		0	45 00	237,960	237,960	45.00		Secondary
16901	Special allowance for replica fixtures	<del>-  </del>	LS		<u>0</u>		0	18,250.00	18,250	18,250	3.45		Excluded
70000	DESIGN COST & RELATED SERVICES				25,000		0		385,000	410,000	77.53	0.0%	
	Design Consultants:				0.000		01		565,000	410,000	71,58	12.1% 0.0%	
77030	Architect - Final	1	LS		0		ŏ	200 000 00	200,000	200,000	37.82		Excluded
77034	ADA/Fair Housing Consultant	1	LS		o o		0	4,000.00	4,000	4.000	0.76		Excluded
77036	Retail Design Consultant	1	LS		0		0	3,000.00	3,000	3,000	0.57		Excluded
77040	Landscape Architect - In-House		L\$	25,000 00	25,000		0		ō	25,000	4.73		Excluded
77050	Civil Engineer		LS		0		0	25,000.00	25,000	25.000	4.73	0.7%	Excluded
77057	Dry Utility Consultant		LS		0		0	10,600.00	10,000	10,000	1,89		Excluded
77059 77060	Energy Modeling/Title 24		LS		0	·····	<u> </u>	15,000.00	15,000	15,000	2.84		Excluded
77060	MEP Engineer Structural Engineer		LS LS		<u>o</u>		<u> </u>	50,000,00	50,000	50,000	9.46		Excluded
: 1010	10 rocius ar chighteer	1	LO		0		0	25,000 00	25,000	25,000	4.73	0.7%	Excluded
	Survey Enviro & Geotech Services:	<del></del>	<del>                                     </del>					<del></del>	- V	- 0		0.0%	
77110	Survey - Boundary	1					0	5,500 00	5,500	5,500	1.04		Excluded
77125	Survey - As Built	1	LS		0		ŏ	10,000,00	10,000	10,000	1.89		Excluded
77130	Survey - At TA		LS		0		0	7,500.00	7,500	7,500	1.42		Excluded
77155	Environmental Assessment		LS		0	1 1	0	15,000.00	15,000	15,000	2.84		Excluded
77157	Environmental Testing	1	LS		0		0	15,000.00	15,000	15,000	2.84	0.4%	Excluded
					0		0		0	0	- 1	0.0%	
77000	INSURANCE / PRECON / INSPECTIONS / TESTING	``	, , ,		0		<u> </u>		134,358	134,358	25.41	4.0%	
77000	QA/QC & Testing Services:	<u> </u>					ļ	10.000.00	10.000				
77038 77085	Permit Expeditor		LS		<u> </u>		0	10,000 00 35,000 00	10,000 35,000	10,900 35,900	1.89		Excluded
77085	Deputy Inspector	<del> </del>	LO				V	35,000 00	35,000	35,000	6.62	1,0%	Excluded
	Design Support / Estimating Cost.		1									0.0%	
77280	Estimating/Bid Expense	1	LS	0 15%	0		of the second	10,000 00	10,000	10,000	1.89		Excluded
77410	Legal Fees		LS		Ö		ő	3,500.00	3,500	3,500	0.66		Excluded
					0		0		0	0	-	0.0%	Excluded
	Insurance & Bonds:				0		0		0	0	-	0.0%	
77310	Builders Risk/Property Insurance		LS		. 0		0	5,631.73	5,632	5,632	1.07		GC
77315	Professional Liabitity		LS		O		0	6,251 22	6,251	6,251	1.18		Excluded
77321	GL Wrap	1	LS		<u>o</u>		0	37,169 44	37,169	37,169	7.03	1.1%	
77325 77330	Special Hazard Insurance (Pollution)  Excess/Umbrella Insurance	<del></del>	LS		- 0		0	35,000 00	<u> </u>	- 0			Excluded
77335	Crane & Hoist Insurance		LS				- 0	15,000,00	- 5	0	<del>  </del>		Excluded
77340	Miscellaneous Insurance		LS					0 10%	<del>-                                    </del>				Excluded
77350	Insurance Deductibles	<del> </del>	LS		- 0		t	100,000 00	0				Excluded
77902	Sub Default Insurance	2,233,816			ŏ		ŏ	1.20%	26,806	26,806	5.07	0.8%	
		1	<del>                                     </del>		Ö		Ö		0	0	-	0.0%	
					0		0		0	0	-	0.0%	
88000	FEES/PERMITS/ASSESSMENTS				0		0		0	0		0.0%	
			1		0		<u> </u>			0		0.0%	
					٥		0	i_	이	0]	9.66	0.0%	
99000	REIMBURSABLES/PAYROLL BURDEN		THO - T		34,706		0	1,000	11,082 5,000	45,788 5,000	8,66 0,95	1.4% 0.1%	GC
99300	Reimbursable	161,423	МО	21.50%	34,706		<del>                                     </del>	1,000	3,000	34,706	6.56	1.0%	
99720	Labor Burden City of Oakland Gross Receipts Tax	3,379,040		21.5076	34,700		1 3	0.18%	6,082	6,082	1,15		GC
	City of Cakland Gross Receipts Tax	3,319,040	<del>                                     </del>		- 0		0	0.10%	0,0021	0,002	- 1.13	0.0%	
		+	1-1				† <del> </del>		0	o o		0.0%	
			1 1		ő		ő		ol	0	-	0.0%	
	TOTAL HARD COST =				196,129		85,956		2.812.274	3.094.359	585.17	91.6%	

.

GC Costs (Costs labeled GC + Contractor Fee)	515,754.72
Total	3,379,040.20
% of Total	15%
Primary Costs	258,353.84
Allocation of GC costs to Primary	39,433.45
Total Primary Cost	297,787.29
Secondary Costs	969,914.75
Allocation of GC Costs to Secondary	148,041.48
Total Secondary Costs	1,117,956.23
Total of Primary and Secondary Costs	1,415,743.52
Excluded Costs	1,635,016.89
Allocation of GC Costs to Excluded Costs	328,279.79
Total of Excluded Costs	1,963,296.68
Grand Total	3,379,040.20

### APPENDIX E APPRAISAL

### APPRAISAL WITHIN A RESTRICTED USE REPORT OF A 1.04-ACRE PARKING LOT

# Located at 2630 Broadway, Oakland, Alameda County, California 94612

#### Date of Value

September 29, 2015

"As Is" Fee Simple Market Value Estimate

\$7,700,000

Prepared for:

Mr. Scott Youdall The Hanover Company 2010 Crow Canyon Place, Suite 100 San Ramon, CA 94583

Prepared by:

Joseph J. Blake and Associates, Inc.
California Plaza
2121 N. California Boulevard, Suite 850
Walnut Creek, California 94596





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October 6, 2015

Mr. Scott Youdall
The Hanover Company
2010 Crow Canyon Place, Suite 100
San Ramon, CA 94583

Reference:

Appraisal of a 1.04-acre parking lot, located at 2630 Broadway, Oakland, Alameda

County, California 94612

Dear Mr. Youdall:

In accordance with your request, we have prepared an Appraisal (Restricted-Use Report) for the purpose of providing you with our opinion of the "As Is" Market Value of the Fee Simple Estate of the property referenced above, as of September 29, 2015. This Restricted-Use Report presents limited discussions of the data, reasoning and analyses that were utilized in the appraisal process to develop the appraiser's opinion of the "As Is" Market Value. The intended use of the report is to assist the client in estimating the market value to be used in conjunction with decisions regarding the possible sale of the property. Supporting documentation concerning the data, reasoning and analyses has been retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated herein. The appraisers are not responsible for unauthorized use of this report.

#### Appraisal Development and Reporting Process

In the course of the preparation of this limited report, market data and comparables were gathered and analyzed.

#### **Identification of the Property**

According to information obtained from the Alameda County Assessor's Office, the Subject contains one parcel, which is identified by the following Assessor's Parcel Number:

APN: 009-0685-018-06

No legal description was provided.

#### Purpose of the Appraisal

The purpose of this report is to estimate the "As Is" Market Value of the Fee Simple Estate of the Subject realty, as of September 29, 2015.

The Subject is appraised on the basis of a fee simple ownership of the land and improvements, which is defined as: "absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

#### Client and Intended User of Report

The Hanover Company, will be the client and intended user of this report.

#### **Intended Use of Report**

The property is in the process of receiving entitlements for a mixed-use ground floor retail and residential project. The intended use is in conjunction with requirements for entitlement.

#### Date of Value

The Subject was valued as of September 29, 2015.

#### **Date of Report**

The report is dated October 6, 2015.

#### **Property Rights Appraised**

Fee Simple

#### History of the Property

Title to the subject property is currently held by Steve Simi and Cecilia Simi, as Trustees of the TDK Trust dated January 23, 1995, whom purchased the property in 2006. To the best of our knowledge, no sale or transfer of the subject property has occurred within the last three years. It is noted that the subject property is currently subject to a purchase and sale contract for an undisclosed price.

These statements of history are made without warranty. Questions regarding ownership are legal in nature and are beyond the scope of this report. A legal practitioner or title expert should be contacted to examine and comment on the ownership status of the Subject.

#### **Definition of Market Value**

Market Value<sup>1</sup> is an accepted legal term that has its basis for definition with the decisions handed down by various state courts throughout the country. There have been many definitions formulated for market value, but one of the most proved and accepted is:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the Buyer and Seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passage of title from Seller to Buyer under conditions whereby:

- 1. Buyer and Seller are typically motivated:
- 2. Both parties are well informed or well advised, and acting in what they consider their best interests;
- 3. A reasonable time is allowed for exposure on the open market;
- 4. Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- 5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

#### **Exposure Time**

Exposure time is the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value as of the effective value of the appraisal. It is a retrospective estimate based upon an analysis of past events, assuming a competitive and open market. Exposure time is a function of market conditions as well as asking price, credit availability, investor activity, location, and the physical and economic characteristics of a property. Based on our research of exposure times for comparable properties, our opinion of the "as is" market value incorporates an exposure time assumption of up to six months.

#### Multi-Family Residential Market Overview

DTZ Apartment Market Report for the Bay Area, "As of the close of Q2 2015, vacancy in the Bay Area stood at just 4.1%. This reflects a noteworthy increase from the 3.6% rate in place three months ago. This is based on the fact that new construction levels are at the highest levels that DTZ has tracked. Over the course of 2014 more than 7,400 new multi-family units were delivered to the Bay Area marketplace. 2013 came in at an even higher 8,400 units delivered. So

<sup>&</sup>lt;sup>1</sup> Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C, Appraisals, 34.42 Definitions (f).)

far this year, nearly 4,200 units were completed, which is 66% of last year's annual total in just six months. Meanwhile, there are approximately 22,000 units under construction, the highest volume tracked in the past 10 years.

Given these robust development numbers, vacancy in the region is up, however, rents have increased as well. The average asking rent in the Bay Area is now \$2,423 per month. This number is up 12.3% over the \$2,158 reading posted exactly one year ago. The primary reason for this is that even with currently aggressive levels of new development there is a housing shortage (and affordable housing crisis) in the Bay Area. The reason is that from 2010 to 2014 the region's population grew by roughly 350,000 people; Alameda County alone has seen an increase of over 100,000 to its population and ranks as the fastest growing county in California. But during this same time frame it is estimated that the region's housing inventory (multi- and single family) grew by just 40,000 units. That breaks down to just one new housing unit for every 8.5 new residents.

The region's average asking rent has increased by over 60% during the past five years. We anticipate the annual rental rate growth will fall below double-digit levels in the coming year, but that will largely be a reflection of slowing rental rate growth in the most heavily impacted development markets (San Francisco and Santa Clara counties) and the fact that most of the projects currently in the development pipeline area geared towards the higher-end market. Rents for that sector of the market in San Francisco (more than 8,000 units currently under construction) and Santa Clara counties (just over 6,000 units underway) will flatten in the months ahead. But that trend may be short-lived and it will not change the underlying fact that it will take at least five or six years of development at the current pace before we expect the region's housing shortage to be tempered. In the meantime, rents for Class B and C properties will continue to soar. Lastly, the gap in rents between the Highway 101 Corridor markets (San Francisco, San Mateo and Santa Clara counties) and the East Bay (Alameda and Contra Costa counties) will continue to drive large levels of in-migration to the sunny side of the Bay. The East Bay (3.4% vacancy) already is one of the tightest markets in the region; rental rate growth is accelerating rapidly there and this trend will only continue even as developers rush to bring new product to he market (particularly in Alameda County). The East Bay has actually outpaced the rest of the Bay Area markets in terms of rent appreciation, growing its average rate nearly 26% from two years ago. The key driver is Oakland is undergoing the same metamorphosis that took place in Brooklyn starting in the mid 1990s; the similarities between the trend that drive the dynamic (from Manhattan to Brooklyn) are early similar to what we see in the existing Bay Area dynamic (from San Francisco to Oakland). In both cases, a long term housing shortage combined with five or more years of double-digit rental rate increases resulted in priced out residents radically transforming a neighboring market.

	BAY AREA MULTI-FAMILY SNAPSHOT Second Quarter 2015												
	Total	Total	Units	Average	Average								
Market	Properties	Units	U/C	Vacancy	Rent	Studio	1BR/1BA	2BR/1BA					
East Bay	2,836	184,339	2,931	3.4%	\$2,049	\$1,594	\$1,846	\$1,970					
San Francisco County	1,566	93,724	8,088	4.9%	\$3,524	\$2,786	\$3,361	\$3,652					
San Mateo County	652	46,990	2,979	4.8%	\$2,775	\$1,914	\$2,516	\$2,815					
Santa Clara County	1,526	143,120	6,028	4.3%	\$2,584	\$1,843	\$2,336	\$2,500					
North Bay	973	67,739	943	4.2%	\$1,764	\$1,209	\$1,581	\$1,603					
TOTAL	7,553	535,912	20,969	4.1%	\$2,423	\$2,063	\$2,196	\$2,185					

Source: DTZ Bay Area Multi-family Snapshot, second quarter 2015

#### Zoning

The Subject is reportedly zoned D-BV-1-Broadway Valdez Commercial District, under the jurisdiction of the City of Oakland. The chart below outlines the permitted uses and bulk requirements for the subject's zoning classification as obtained from the Planning Department.

	Zoning Requirements
Current Zoning	D-BV-1 (Broadway Valdez District Commercial)
Purpose	Establish retail priority sites in the Broadway Valdez District Specific Plan Area in order to encourage a core of comparison goods retail with combination of small, medium, and large scale retail stores.
Permitted Uses	A variety of commercial retail, office and service uses. Multi-family development requires a conditional use permit
Maximum Lot Coverage	No specific requirement
Density:	450 SF of lot area per dwelling unit
Minimum Site Area	10,000 SF
Minimum Lot Frontage/Width	100 feet
Height Limit	45 feet/4 stories; 85 feet with CUP
Minimum Parking	Varies per use. Mutlti-family requires 0.5 spaces per dwelling unit.
	Commerical use requires 1 space per 500 SF of floor area.
Legal Conformance	Legal and conforming

Source: City of Oakland Municipal Code

The subject development represents a legal and conforming use.

#### Flood Plain Classification

The property is located within Flood Zone X. Per FEMA this zone is defined as follows: "zone X is the flood insurance rate zone that corresponds to areas outside the 1% annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than one foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than one square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in this zone." The specific map reference is 06001C0059G, as published by the Federal Emergency Management Agency (FEMA) on August 3, 2009.

#### **Description of the Property**

Briefly described, the subject consists of a 1.04-acre lot that is currently improved as a parking lot. The site is generally square in shape and slopes toward the east side (Valdez Street). The east side of the site is currently improved with a previous restaurant building that is in dilapidated condition. As such, we attribute no value to this building. It appears the site is used by one of the neighboring vehicle dealerships as a parking lot. However, we were not provided with a lease or any income information.

According to the client, the subject property is in the process of being entitled for a mixed-use development that will consist of 254 residential units (75 studios; 106 one-bedroom; and 73 two-bedroom units), 37,070 square feet of retail space on the main and mezzanine levels and 299 parking spaces on three subterranean levels.

We were provided with a preliminary title report prepared by First American Title Company, dated July 8, 2015. The report does not address any detrimental easements or encumbrances. The client is advised to obtain a current title report for this information. Public utilities are reportedly available to the site.

#### **Real Estate Taxes**

The subject property is under the taxing authority of Alameda County, California. Below is a summary of the assessed values and corresponding real estate taxes, along with the direct assessments for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

#### October 6, 2015

Appraisal of 2630 Broadway, Oakland, CA

#### **Assessed Values:**

Land:	\$1,181,440
Improvements:	236,288
Personal Property:	0
Total Assessed Value:	\$1,417,728

#### Taxes and Special Assessments:

Ad Valorem Taxes:	1.4376%	20,381
Special Assessments:		6,567
Total Property Taxes:		\$26,948

#### Highest and Best Use

Highest and Best Use may be defined as:

"The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity."<sup>2</sup>

Implied in this definition is that the determination of Highest and Best Use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners.

Further consideration must then be given to the dynamic attributes of the Subject site, as well as past, present and future market conditions in order to determine the Subject's Highest and Best Use, As Vacant.

#### Highest and Best Use - As Vacant

In considering the Highest and Best Use of the Subject, "As Vacant", we have considered uses which are in legal conformance with the existing zoning ordinance, as well as in conformance with the Subject's surrounding area. The Subject is zoned D-BV-1, Broadway Valdez Commercial, under the jurisdiction of the City of Oakland. Land use patterns in the area are mixed and generally include multi-story mixed use developments typically with ground floor commercial space and upper floor residential use, retail, office and service commercial. Given

<sup>&</sup>lt;sup>2</sup> The Dictionary of Real Estate Appraisal, 5th Edition (Chicago: Appraisal Institute, 2010), page 93.

the current zoning and general plan designations, land use patterns in the area, and recognizing the principle of conformity, multi-family residential use with ground floor retail space is considered the most profitable use of the subject site; however, it is beyond the scope of this assignment to determine the type of multi-family, whether it would be condominium, townhouse, market rate apartment, or some type of tax advantaged low-income or elderly project. It is concluded that the "Highest and Best Use" of the subject site, "As Vacant", is for mixed-use development, as demand dictates.

#### Highest and Best Use - As Improved

The subject site is currently improved with a parking lot and prior restaurant building that is in dilapidated condition. The current development is legally permissible and physically possible. However, in terms of financial feasibility, the current developments are generating revenue that is well below the potential that a multi-family development with ground floor retail would produce. Furthermore, residential/retail development is legally permissible and physically possible. Based on the foregoing analysis, the planned multi-family with ground floor retail development is considered the highest and best use of the site "As Improved".

Type of Analysis Applied: The Sales Comparison Approach was utilized exclusively for this appraisal. The Sales Comparison Approach is usually the best method for evaluating vacant land. The Income Approach was deemed inapplicable because the cash flow, if any, generated by the subject is not indicative of future cash flows upon development of the land. Also, the Cost Approach is deemed inapplicable since the site is vacant. The exclusion of both approaches in this analysis does not affect the credibility of our value conclusion.

#### Sales Comparison Approach

The sales presented on the following page were utilized in order to estimate an "As Is" Fee Simple Market Value estimate for the Subject.

### MAP OF COMPARABLE LAND SALES



### Appraisal of 2630 Broadway, Oakland, CA

	SUM	MARY OF COMPA	ARABLE LAND SALES		
Property Location	Sale Price/ Sale Date	Site Area (SF) Site Area (acre)	Zoning Density Units/Acre	Proposed No. Units Proposed Units	Price/Unit Price/SF
Sale 1					
632 14th Street	\$1,750,000	6,970	CBD-X (Height Area 4)	40 units	\$43,750
Oakland, CA	Feb-14	0.16	250 units/acre		\$251.08

Comments: This sale consists of a fully entitled multi-family development site located approximately 0.6 miles northwest of the subject. Site is zoned CBD-X (Height Area 4), which allows for a maximum density of 484 unitszacre, maximum F.A.R. of 14.0 to 1.0. Site is entitled for development of 40 residential units (seller entitled the site). The proposed unit mix includes one- and two-bedroom units ranging in size from 500 to 912 SF with two bathrooms located in each of the two bedroom units. This site had a seven month escrow period. Site is rectangular in shape with level topography and all off-sites (non-corner location). APN 003-0071-024. Document No.: 055717.

Sale 2					
325 7th Street	See Comments	35,284	CBD-P/CH (Height Area 4)	380 units	\$18.421
	see Continents		*	500 anns	
Oakland, CA	Listing	0.81	469 units/acre		\$198.39

Comments: This is a current listing on the market for a fully entitled (entitlements approved in September 2011) multi-family development site located approximately 0.3 miles southwest of the subject. The deal is currently being marketed with no list price; however, according to the listing broker, the sellers would like 55 to \$7 million for the site (for purposes of this analysis, we will use \$7 million). Site is zoned CBD-P/CH (Height Area 4), which allows for a maximum density of 484 units/acre, maximum F.A.R. of 14.0 to 1.0. Site is entitled for 380 residential units (average unit size of around 950 SF) within two high-rise towers (20-story and 27-story in height). There will also be 9,000 SF of street level retail space and a multi-level parking garage which would accommodate 399 spaces. Site is level with all off-sites (non-corner location). APN: 001-0189-005

Sale 3					
1401-1599 Wood Street	000,000,82	268,330	PUD	437 units	\$18,307
Oakland, CA	Dec-14	6.16	44-71 units/acre		\$29.81

Comments: This is a recent sale of a 6.16-acre parcel that is currently vacant land. The site was previously developed with all utilities to the site and rough graded. The site is entitled for multi-farmly development with 437-units. The sale was an off-market transaction. The site is located in the West Oakland submarket with frontage on Frontage Rd bordering Interstate 880. APN; 018-0310-012-01. Document No.: 307662

Sale 4					
4700-4770 Telegraph Avenue	\$4,620,000	19,598	CN-2/CN-3 (Height limit 45' to 60')	48 units + retail	\$96,250
Oakland, CA	Mar-15	0.45	116 units/acre		\$235.74

Comments: This is the sale of a full-entitled multi-family development site located in the Temescal neighborhood (located approximately 2.3 miles north). Site is zoned CN-2 and CN-3 (Height limit 45 to 60 feet), which allows for a maximum density of 96 units/acre (CN-2) and 116 units acre (CN-3). General plan designation is Central Business District. Site is entitled for development of 48 residential units (approved as condos or apartments) and 5,000 SF of commercial space. The entitled development represents approximately 92% of the maximum allowable density for this site. Site is rectangular, and level with all off-sites (corner location). APNs: 013-1150-017-01 and 013-1150-019-02. Document No: 057492. The property previously sold in July 2013 for \$3,600,000 (\$75,000/unit).

Sale 5					
522-532 20th Street	\$1,180,000	7,405	CBD-X (Height Area 6)	82 units allowed	\$14,390
Oakland, CA	Apr-14	0.17	484 units/acre		\$159.35

Comments: This is a recent sale for an un-entitled site located approximately 0.7 miles northwest of the subject. This site is zoned CBD-X (Height Area 6), which allows for a maximum density of 484 units/acre, maximum F.A.R. of 20.0 to 1.0, no building height limit (minimum building height of 45°), and a 100% site coverage. General plan designation is Central Business District. The site is not entitled. The price/unit figure above is reflective of the maximum allowable density on the site (82 units based on 484 units acre). Site is rectangular and level with all off-sites. Currently being utilized as a parking lot. APNs: 008-0645-006 and 008-0645-007. Document No., 101680

Sales 1, 3, 4 and 5 are adjusted upward for their older transaction dates. No adjustment is applied to Sale 2 as it is a current listing. Sale 4 is adjusted downward for superior locational attributes. Conversely, Sales 2 and 3 requires an upward adjustment for inferior locational attributes. Sales 1, 4 and 5 require a downward adjustment for smaller project size. The subject and each of the comparables are generally considered similar in terms of site characteristics. The zoning variations in terms of proposed densities of the comparable land sales is a major value influencing factor in residential land sales. A greater density allows the development of a larger number of units so that a parcel with a higher density is typically sold at a higher price on a square foot basis. In contrast, if the index of sale price per dwelling unit is used, a higher density

is associated with a lower value per unit due to the fact that if all other factors being equal, a higher density is achieved by reducing the average unit size. A higher density is also often equated with a lower degree of desirability for residential developments. Density at the subject site is 244 units/acre (based on entitled units). Given that we are valuing the subject on a price per unit basis, Sales 2 and 5 require an upward adjustment for their higher densities. No adjustment is deemed necessary to Sale 1. A downward adjustment is applied to Sales 3 and 4 for lower density. A development parcel is typically associated with a higher value when entitlements are in place for the proposed project. The subject site does currently have entitlements in place. This is also the case at Sales 1, 2, 3 and 4. Sale 5 is not entitled, as such an upward adjustment is applied.

We have prepared an adjustment grid to illustrate the price corrections made as per the preceding discussion. It is emphasized that while percentages are employed in the adjustment process, we do not imply an actual quantitative analysis of the data which are in fact insufficient to allow such manipulations. The percentages are used simply to illustrate the magnitude and direction of the adjustments made.

SUMMARY OF LAND SALES ADJUSTMENTS					
Adjustment Factors	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5
Unadjusted Price (\$/unit):	\$43,750	\$18,421	\$18,307	\$96,250	\$14,390
Property Rights Conveyed:	0 %	0 %	0 %	0 %	0 %
Adjusted Price (\$/unit):	\$43,750	\$18,421	\$18,307	\$96,250	\$14,390
Financing Terms:	0	0	0	0	0
Adjusted Price (\$/unit):	\$43,750	\$18,421	\$18,307	\$96,250	\$14,390
Condition of Sale:	0	0	0	0	0
Adjusted Price (\$/unit):	\$43,750	\$18,421	\$18,307	\$96,250	\$14,390
Market Conditions:	8	0	5	3	8
Adjusted Price (\$/unit):	\$47,250	\$18,421	\$19,222	\$99,138	\$15,541
Cumulative Adjustments:					
Location	0 %	15 %	40 %	(25) %	0 %
Project Size	(20)	0	0	(20)	(15)
Site Charactristics	0	0	0	0	0
Zoning/Density	0	5	(5)	(5)	5
Entitlements	0	0	0	0	50
Net Adjustment:	(20) %	20 %	35 %	(50) %	40 %
Value Indication (\$/SF):	\$37,800	\$22,105	\$25,950	\$49,569	\$21,758

After adjustments, our "As Is" Fee Simple Market Value estimate, via the Sales Comparison Approach, is concluded to be \$30,000 per unit.

October 6, 2015 Appraisal of 2630 Broadway, Oakland, CA

	Value per		Entitled No.		Market
	Unit	x	of Units	=	Value Indication
•	\$30,000		254		\$7,620,000
			"As Is" Marl	ket Value:	\$7,699,893
				Rounded:	\$7,700,000

Our concluded market value of \$7,770,000 results in a price per SF value (based on the site size of 45,489 SF) of \$169. This value is within the per unit range of the comparables (\$41 to \$241 per SF).

During the course of this assignment, we spoke with numerous brokers who are active in the market. The brokers each noted that demand for well-located land parcels in the city is strong and most of these are located in the downtown submarkets. One broker noted that there has been a significant increase in demand for land since the early part of 2010 and that the market is seeing more condominium developers entering the market as opposed to just apartment developers. However, he noted that land prices do not vary between condominium developments and apartment developments.

Based on the pertinent facts discussed herein and the analyses of data which have been considered in connection with this Restricted-Use Report, it is the opinion of the undersigned that the estimated "As Is" Market Value of the Fee Simple Estate of the Subject, as of September 29, 2015, is:

### SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS \$7,700,000

Respectfully submitted,

JOSEPH J. BLAKE AND ASSOCIATES, INC.

Brian Rapela, MAI, MRICS

But Ten

Partner

CA Certified General Real Estate Appraiser, (BREA # AG033756, Exp. 04/20/16)

Phone: (925) 482-1370

Email: brapela@josephjblake.com

Michael Glasic

Michele Gleisle Associate Appraiser

CA Certified General Real Estate Appraiser,

(BREA # AG044174, Exp. 07/11/16)

Phone: (925) 482-1374

Email: mgleisle@josephjblake.com

### BASIC ASSUMPTIONS AND LIMITING CONDITIONS

This report is subject to underlying assumptions and limiting conditions qualifying the information contained in the report as follows:

The valuation estimate applies only to the property specifically identified and described in the ensuing report.

Information and data contained in the report, although obtained from public record and other reliable sources and, where possible, carefully checked by the appraisers, is accepted as satisfactory evidence upon which rests the final expression of value.

The appraisers have neither made legal surveys nor have they commissioned them to be prepared; therefore, reference to a sketch, plat, diagram or previous survey appearing in the report is only for the purpose of assisting the reader to visualize the properties.

It is assumed that all information known to the client and relative to the valuation has been accurately furnished and that there are no undisclosed leases, agreements, liens, or other encumbrances affecting the use of the property.

That ownership and management are assumed to be in competent and responsible hands.

No responsibility beyond reason is assumed for matters of a legal nature, whether existing or pending.

Information identified as being furnished or prepared by others is believed to be reliable, but no responsibility for its accuracy is assumed.

The appraisers, by reason of this report, shall not be required to give testimony as Expert Witness in a legal hearing or before any court of law unless justly and fairly compensated for such services.

The value reported is only applicable to the property rights appraised (Fee Simple Estate) and the report should not be used for any other purpose.

Appraisal reports may contain prospective financial information, estimates or opinions to represent the appraisers' view of reasonable expectations at a particular point in time, but such information, estimates or opinions are not offered as predictions or as assurances that a particular level of income or profit will be achieved, that events will occur, or that a particular price will be offered or accepted. Actual results achieved during the period covered by Prospective Financial Analysis will vary from these described in our report, and the variations may be material.

Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraisers. The appraisers were not provided with a Phase I Environmental Report nor Asbestos Study. The presence of substances

October 6, 2015 Appraisal of 2630 Broadway, Oakland, CA

such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The client is urged to retain an expert in this field.

Disclosure of the contents of this report is governed by the By-Laws and Regulations of the Appraisal Institute.

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or the firm with which they are connected, or any reference to the Appraisal Institute or the MAI Designation) shall be reproduced for dissemination to the public through advertising media, or any other public means of communication without the prior consent and written approval of the appraisers.

The appraisers have not performed soil or drainage tests. Nor have the appraisers been provided with soil or drainage test results. Therefore, the appraisers assumed that there are no subsoil or drainage conditions which would adversely affect the subject or its final valuation.

This valuation report is based on the condition of local and national economies, purchasing power of money, and finance rates prevailing at the effective date of value.

### CERTIFICATION

We, the undersigned, hereby certify, to the best of our knowledge and belief,

the statements of fact contained in this report are true and correct.

We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, and impartial, and unbiased professional analyses, opinions, and conclusions.

we have no present or prospective interest in the property that is the Subject of this report, and we have no personal interest or bias with respect to the parties involved.

our analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice (USPAP).

the use of this report is subject to the requirements of The Appraisal Institute relating to review by its duly authorized representatives.

as of the date of this report, we have completed the continuing education program for Designated Members of the Appraisal Institute.

Michele Gleisle has made a personal inspection of the property that is the Subject of this report.

Brian Rapela, MAI, MRICS, has reviewed the analyses, conclusions, and opinions concerning real estate contained in this report and fully concurs with the final value estimates herein expressed.

no one provided significant professional assistance to the person signing this report.

our engagement in this assignment was not contingent upon developing or reporting predetermined results.

this appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

we are professionally competent to perform this appraisal assignment by virtue of previous experience with similar assignments and/or appropriate research and education regarding the specific property type being appraised.

this appraisal recognizes the following definition of value:

Market Value<sup>3</sup> is an accepted legal term that has its basis for definition with the decisions handed down by various state courts throughout the country. There have been many definitions formulated for market value, but one of the most proved and accepted is:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the Buyer and Seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passage of title from Seller to Buyer under conditions whereby:

- 1. Buyer and Seller are typically motivated;
- 2. Both parties are well informed or well advised, and acting in what they consider their best interests;
- 3. A reasonable time is allowed for exposure on the open market;
- 4. Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- 5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

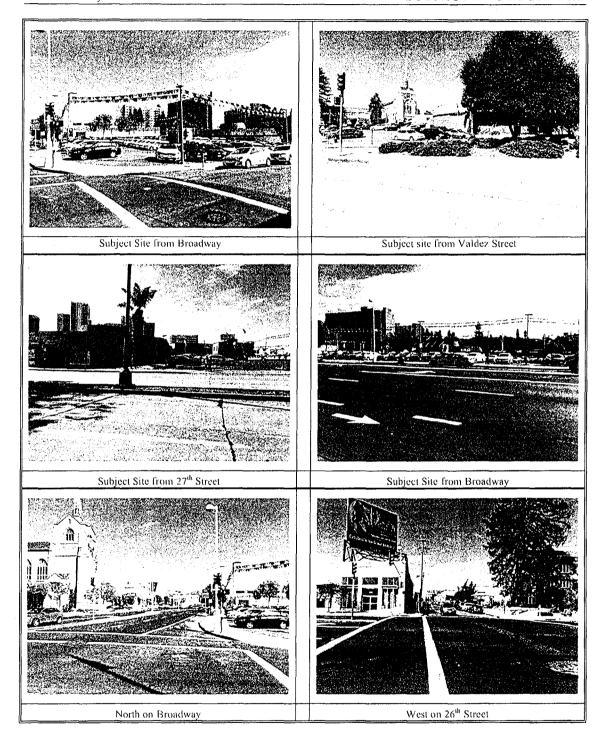
Based on the preceding analysis, it is our opinion that the estimated "As Is" Market Value of the Fee Simple Estate of the Subject, as of September 29, 2015, was:

### SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS \$7,700,000

Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C, Appraisals, 34.42
Definitions (f).)
Joseph J. Blake and Associates, Inc.

Real Estate Appraisers and Consultants

Subject Photographs Professional Qualifications Copies of State Licenses



**Brian Rapela, MAI, MRICS** is a Managing Director with the firm Joseph J. Blake and Associates, Inc., in the San Francisco Northwest Regional Office located at 2121 N. California Boulevard, Suite 850, Walnut Creek, California 94596.

### **EDUCATION**

Bachelor of Science Degree in physics from Allegheny College, Meadville, PA Master of Science degree in physics from The Ohio State University

Successfully completed the following appraisal courses and seminars:

Nov	2005	Advanced Cost and Sales Comparison Approaches
Apr	2007	Report Writing & Valuation Analysis
Nov	2007	General Market Analysis and Highest & Best Use
Feb	2008	Condemnation Appraising: Basic Principles and Applications
Jul	2008	Advanced Applications
Oct	2008	The Appraiser as an Expert Witness
Feb	2010	Hotel Valuation Seminar
Sept	2010	Advanced Litigation Appraising
Apr	2012	Fundamentals of Separating Intangible Business Assets
Sep	2013	Introduction to Green Building Valuation
Sep	2013	Case Studies in Green Building Valuation
Feb	2015	Residential and Commercial Valuation of Solar
Mar	2015	Uniform Appraisal Standards for Federal Land Acquisitions

### **PROFESSIONAL AFFILIATION**

Member, Appraisal Institute (No. 12830) Member, Tri-Valley Estate Planning Council Member, Royal Institution of Chartered Surveyors

### LICENSE(S)/CERTIFICATION(S)

State of California "Certified-General" Appraiser Certificate No. AG033756 State of Washington "Certified-General" Appraiser Certificate No. 1102125 State of Oregon "Certified-General" Appraiser License No. C001085 State of Illinois "Certified-General" Appraiser License No. 553.002262 State of Nevada "Certified-General" Appraiser Certificate No. A.0207021-CG

### PREVIOUS APPRAISAL POSITIONS

Hulberg & Associates Inc.:

Vice President, May 2010 – June 2011 Senior Appraiser, April 2007 – May 2010 Associate Appraiser/Analyst, August 2003 – March 2007

### APPRAISAL ASSIGNMENTS

Commercial:

Retail properties, regional power centers, medical and professional

offices, hotels, resorts, apartments and vacant land

Industrial:

Mini-storage, industrial and R&D buildings, data centers and vacant

land

Special Purpose:

Mixed-use properties, athletic clubs, nursing homes, assisted living

facilities, wind farms, marinas and quarries

Other:

Minority interest valuations, possessory interests; provided court

testimony as an expert witness, various eminent domain assignments

### RECENT SPEAKING ENGAGEMENTS

"Valuing Real Estate Holding Partnerships and LLCs"

AI Chapter Meeting

5/2010

"Valuing Fractional Interests"

Appraisal Institute National Webinar

8/2010

"Annual Valuation Panel"

Bay Area Mortgage Association

5/2012

"Business Value Allocation of a Going Concern: A Case Study"

Al Northern California Chapter Meeting

9/2012

"Partial Interest Valuation: Pitfalls and Practical Advice"

10/2013

Al Northern California Annual Fall Conference

### APPRAISAL INSTITUTE SERVICE

Fall Conference Committee, Northern California Chapter of the Appraisal Institute, 2005-present (Conference Chair 2011)

Northern California Chapter Board of Directors 2011-present

Regional Representative, Region I 2011-present

Michele Gleisle is an Associate with the firm Joseph J. Blake and Associates, Inc., in the San Francisco Northwest Regional Office located at 2121 N. California Blvd, Suite 850, Walnut Creek, California 94596. Ms. Gleisle has been with the firm since 2012. Prior to joining Joseph J. Blake & Associates, Ms. Gleisle was an Associate Appraiser with Modern Valuation Techniques, a Bay Area real estate valuation company. Additionally, Ms. Gleisle was a Property Manager with Windsor Communities, where she oversaw the daily operations and financial performance of a Class A multi-family property.

### LICENSES

California Certified General Real Estate Appraiser No. AG044174

### **EDUCATION**

### Golden Gate University, San Francisco, California

Educational Achievement:

Masters of Accountancy (2011)

Concentration:

Forensic Accounting

### St. John Fisher College, Rochester, New York

Educational Achievement:

Bachelor of Science (2002)

Major:

**Business Administration** 

Concentration:

Marketing/Finance

### Real Estate Appraisal Education

Appraisal Principles

Appraisal Procedures

Apartment Appraisal: Concepts and Applications

Income Valuation of Small, Mixed-Use Properties

General Appraiser Income Approach, I & II

General Appraiser Cost Approach and Site Valuation

General Appraiser Market Analysis and HBU

Real Estate Finance, Statistics and Valuation Modeling

General Appraiser Report Writing & Case Studies

Business Practices and Ethics

National Uniform Standards of Professional Appraiser Practices

### APPRAISAL EXPERIENCE

Professional appraisal experience has been in general commercial real estate appraisal assignments including: single and multi-tenant retail buildings, shopping centers, multi-family apartment complexes, single and multi-tenant office buildings, single and multi-tenant industrial buildings, mixed-use properties, special use properties, and vacant land.

Geographical concentration since 2011 has been in the San Francisco Bay Area and Central Valley Region, California.



# Business, Consumer Services & Housing Agency BUREAU OF REAL ESTATE APPRAISERS REAL ESTATE APPRAISER LICENSE

## Brian K. Rapela

has successfully met the requirements for a license as a residential and commercial real estate appraiser in the State of California and is, therefore, entitled to use the title:

"Certified General Real Estate Appraiser"

This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

BREA APPRAISER IDENTIFICATION NUMBER: AG 033756

Effective Date: April 21, 2014
Date Expires: April 20, 2016

Jim Martin, Bureau Chief, BREA

3012504



# Business, Consumer Services & Housing Agency BUREAU OF REAL ESTATE APPRAISERS REAL ESTATE APPRAISER LICENSE

### Michele C. Gleisle

has successfully met the requirements for a license as a residential and commercial real estate appraiser in the State of California and is, therefore, entitled to use the title:

"Certified General Real Estate Appraiser"

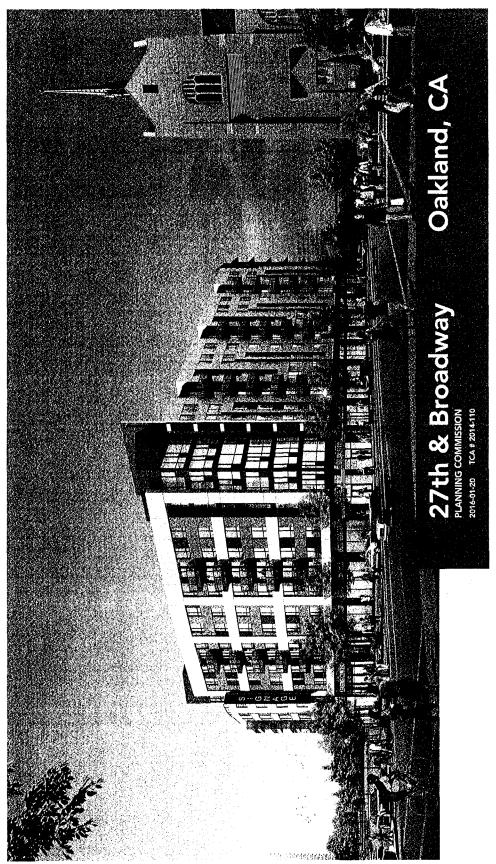
This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

BREA APPRAISER IDENTIFICATION NUMBER: AG 044174

Effective Date: February 10, 2015

Date Expires: July 11, 2016

Jim Martin, Bureau Chief, BREA





# PROJECT TEAM

OWNER:

THE HANOVER COMPANY San Ramon, CA 94583

LANDSCAPE:

2010 Crow Canyon Place, Suite 100

**GWH Landscape Architects** 

An affiliate of The Hangover Company 5847 San Felipe, Suite 3600

Houston, TX 77057

Contact: Scott Youdall P: 925 277-3445 W: www.hanoverco.com E: syoudall@hanoverco.com

Contact: Matt Shearer P: 713 580 1168

12511 Emily Court,

Martin R. Maingot P: 713 779 7252

Contact:

Sugar Land. TX 77478

E: mshearer@hanoverco.com SCA CONSULTING ENGINEERS

ARCHITECT: TCA ARCHITECTS

1111 Broadway, Suite 1320

Oakland, CA 94607

Contact: Jonathan Cohen P: 510 545 4222 W: www.tca-arch.com E: icohen@tca-arch.com

CIVIL: BKF ENGINEERS

150 California Street, Suite 650 San Francisco, CA 94111

Contact: Mike O'Connell P: 415 930 7957 W: www.bkf.com E: moconnell@bkf.com

MEP:

FARD ENGINEERS, INC. 309 Lennon Lane, Suite 200 Walnut Creek, CA 94598

Contact: (Mechanical/Plumbing)

Max Saiidnia P: 925 932 5505

Contact: (Electrical) Perry Saeednia P: 925 932 5505

DRY UTILITIES:

STRUCTURAL:

GIACALONE DESIGN SERVICES, INC. 5820 Stoneridge Mall Rd, Suite 345

Pleasanton, CA 94588

Contact: David Crowfoot P: 925 467 1740

W: www.dryutilitydesign.com
E: DavidC@DryUtilityDesign.com

FIRE SPRINKLER: AEGIS FIRE SYSTEMS, INC.

500 Boulder Ct, Ste.A Pleasanton, CA 94566

Contact: Thomas McKinnon

P: 925 417 5550

CPG CONSULTANTS LLC

Contact: Ryan Schmidt P: 510 289 3465

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C-7.01 Cross Sections

C-8.01 Preliminary Erosion Control Plan

ASSESSOR'S MAP H 695 THE AMERICAN SEVESTMENT UNION TRACT ME ! WAP OF COGSMEL TRACT 665 672

27TH & BROADWAY



Title 24:



### 27th/Broadway Project Description:

Hanover Oakland is a 7 story mixed use residential and commercial project on a 1.09 acre site bounded by Broadway, 27th Street, Valdez Street, and 26th Street within the Broadway-Valdez Specific Plan area of uptown Oakland, California.

The project consists of 255 apartments in a mix of Studios, 1 BR, and 2 BR units. There is 33,800 SF of ground floor retail on Broadway and an additional 3,600 SF of restaurant space facing a new plaza at 27th and Valdez. Parking is below grade, with 82 retail spaces on Level B1 and 215 residential spaces on Levels B2 and B3. Resident amenities include lobby, mail room, fitness room, bike parking, dog grooming, and clubhouse. There is a rooftop deck with barbecue and expansive views of Oakland and the East Bay.

In keeping with the Broadway-Valdez Design Guidelines, high quality exterior materials are used, including stone, brick, glass, metal wall panels, cementitious wall panels, and cement plaster. The design of the building includes changes of plane, shadow lines, balconies and other projections, subtle color and material changes and other architectural elements. The design is solid and "foursquare" in keeping with the historic architectural character of Broadway, Oakland's Main Street.

Project	Addres
Zonina:	

2630 Broadway, Oakland Ca D-BV-1 Retail Priority Site 3a

Site Area:

47685.74

Max Height:

250 ft Proposed Height: 85 ft

Max Stories: Stories:

Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus

60% of Retail Site Area = 27,293 sf Retail sf/Residential Unit Bonus = 100 Retail SF

Retail = 37,412 sf Residential Unit Bonus = 37,412 sf / 100 = 374 Units

ties Type	Creat	Met SI	Total fort Si	Avz. SF	Shirit Mile
Studios					
51		465	2,420		
12	ė	507	2.542		
21.1	47	574	71.554		
55.2	1	55.7	56-7		
5.9.1		502	0.43		
14		594	5.544		
		718	732		
t Substituted	57		.17.213	54.0	25.279
One Bedmons					
4;	-	5.41	2.TM		
42		347	1 86		
A21	à	944	7,728		
AF Z	+	707	4242		
44		284	4 404		
65		225	4.544		
4		126	4,329		
64	¥.	7 107	27.500		
A7.20	:	730	11,252		
47.24	10	- 5	7 190		
A127	2	129	1,435		
A/ da		\$77	4,450		
A7.41 47.25	,	807	4,220		
	4				
Nº A		572	1,512		
AL B	1	676	879		
A sustane	116		34,188	727	45.485
2 Bedreums					
5:	i	1,0.5	5/772		
£:		1 525	6,050		
8† 1.	15	1,136	17,040		
FA IC	3	1,136	5,400		
ta da	10	2,217	11,170		
AP.78	2	1 117	2,284		
P.3 Sa	5	1.095	4,465		
bs se		1.099	1,5498		
P3 4.	•	1104	5.520		
E5.46	1	: 164	1,1,32		
tis Sur		1.20%	5,075		
E1 Se		1 205	1,274		
t.	e	1.192	7,157		
t:	,	2.56	1.416		
F-Sultote!	22		81,0%	5,126	24.247
TOTAL	. 25		201,297	M7 .	

Petail	56
\$15,40max	
Man Leve:	74,179
Maryanen	9 63 2
Harton Place	5,600
Total Retail	57,422

+1	-	
	No.	79.2
	Chicago -	150
	301.010	197
	Par M	1,900
Total		5,648
Lowell		
	Stabiliza ser	1,437
	Streets	1,217
	Car h Room	110
	Ing Wath	289
	resting.	F 14.
	white 22 mg.	2,493
	Sorger Service Arts	4,15*
	W.S.	451
	Grosson	1,526
	Rethil cases (1	25,175
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- envel 2	Residential	14,727
	Street	435
	G estables	+,066
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	SHEHR	675
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Total		2V.V53
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	Eine yahler	5,347 39,924
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	Garage Service	36,780 5,671
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	Mequired	Previded	VOV 2191P	Standerd 	
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27TH & BROADWAY



PLANNING COMMISSION 704 # 70 44110













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11 or August of Water, A 1 open (CDC Table 20). 18 Activ	Dieter avenug Well	74	
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	West side (Dominas) - IC ft	Permitty Butte	Pour
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	South Side (20th Street) - 10 (to x - 20) ft	148	
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	Contract.	627.622	ŝ

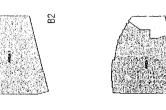
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.6.5 361 (160)	3 Oc.
Al owall e sun mare badding 2	46,000
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Fire Area 4 (Type III-A, R-A	
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c	
SULTREE SALES SALES SALES SALES SALES	(42.x.15)
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Photoced are ger f. p.or	100%
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Level 1

















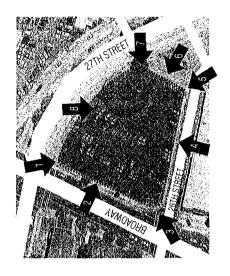




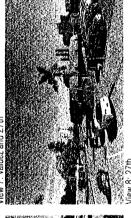








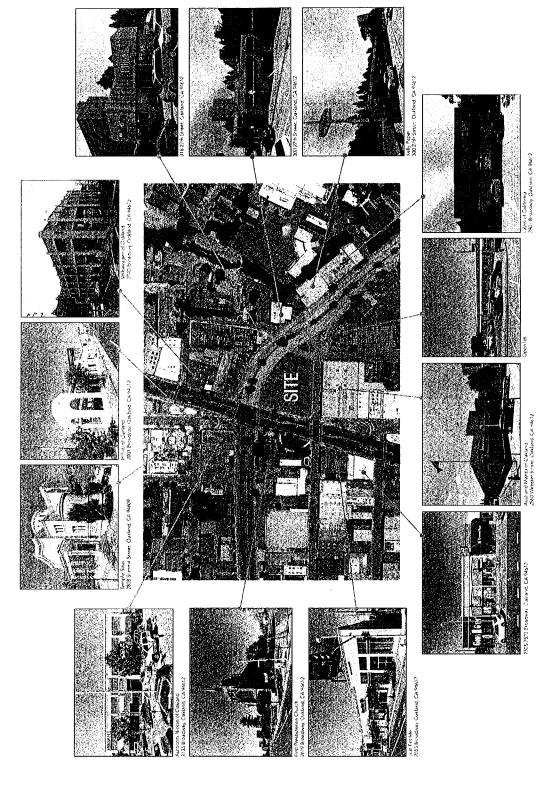
























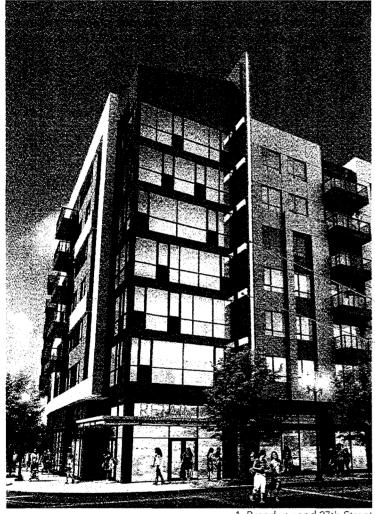










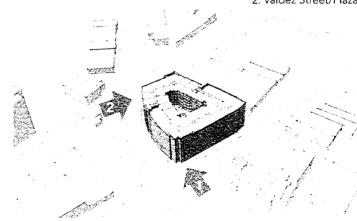




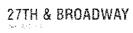
2. Valdez Street/Plaza

LED STRIP LIGHTING

LED LIGHT FIXTURE

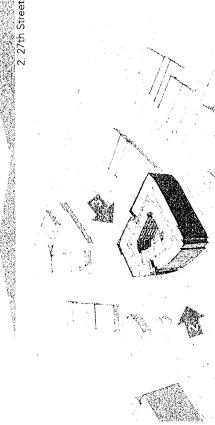


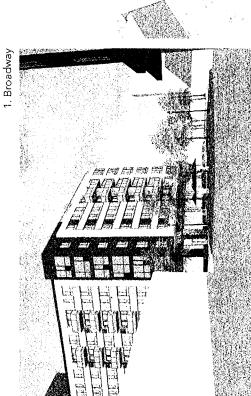
1. Broadway and 27th Street

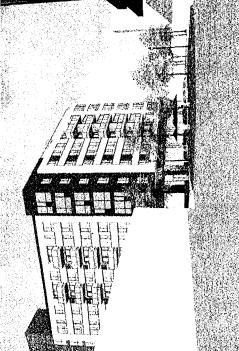
















PLAUWING COMMISSION SALARS M. 2018 DA.P. SERATO





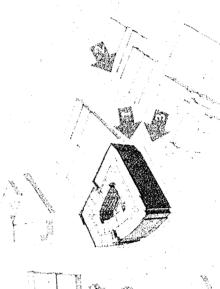
3D VIEWS

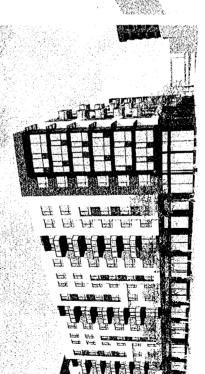
27TH & BROADWAY

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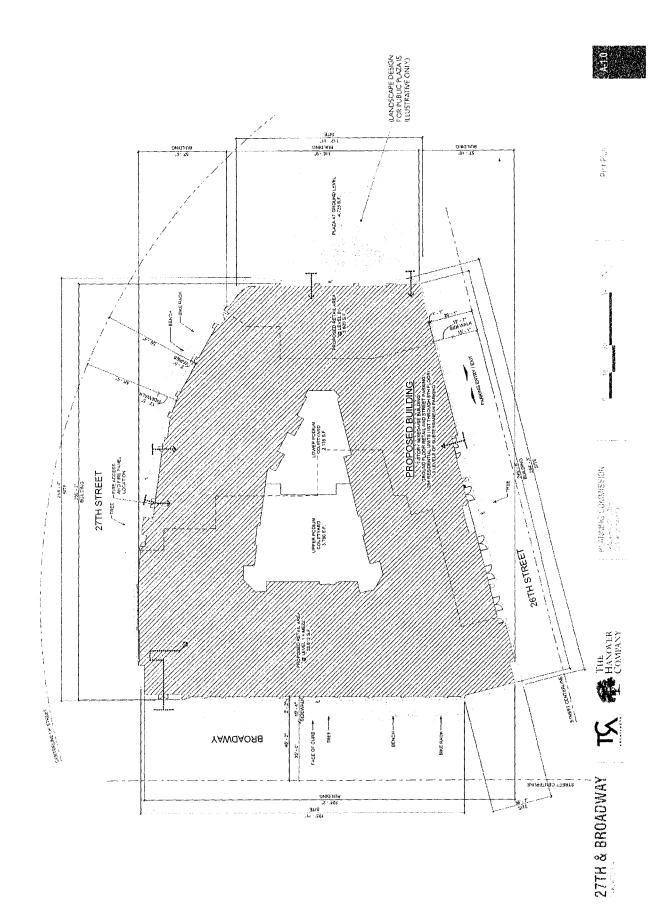


1. Broadway & 27th Street

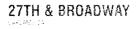


3. Broadway





# 27TH STREET PARKING EL -14'0' BROADWAY 26TH STREET

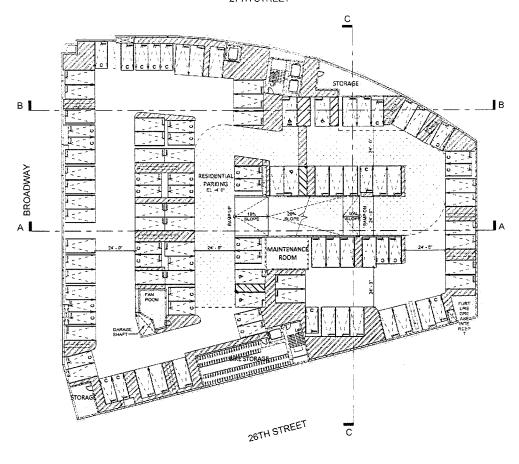


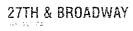


PLANNING COMMISSION



### 27TH STREET







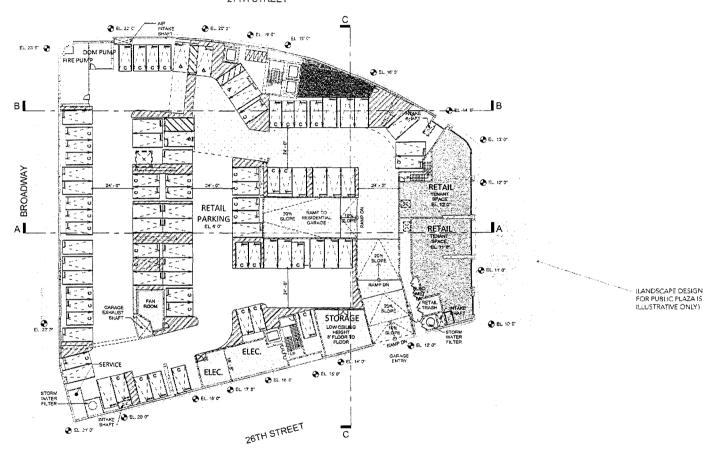


PLANNING COMMISSION GENERAL COMMISSION TO A RESIDENCE





### 27TH STREET

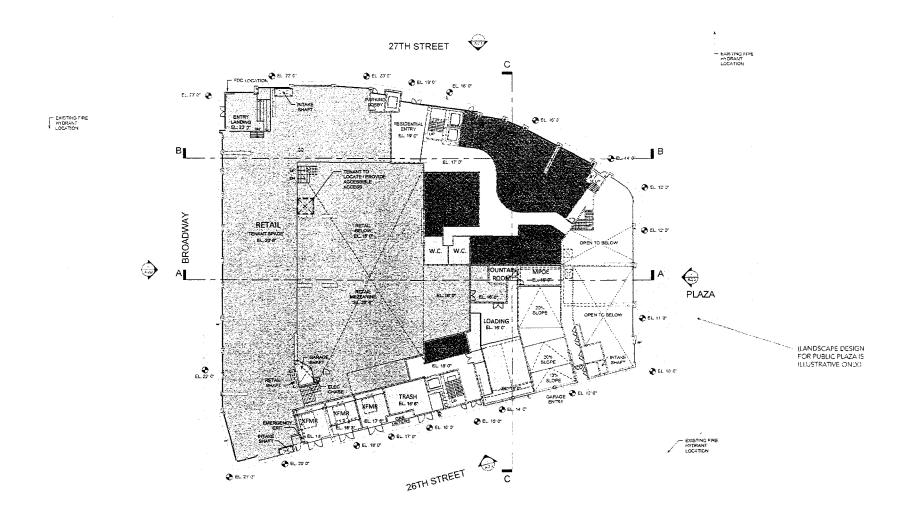






PLANNING COMMISSION HARVARY TO JACK TICA # 2014-110



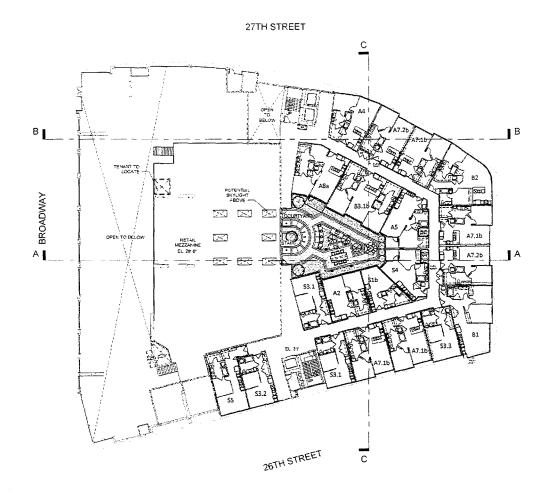


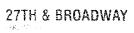


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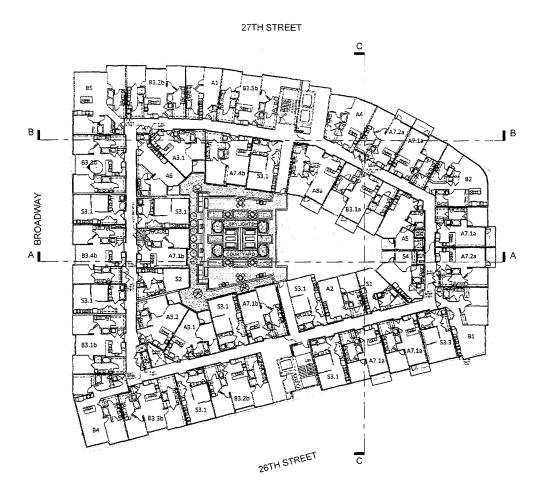


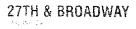


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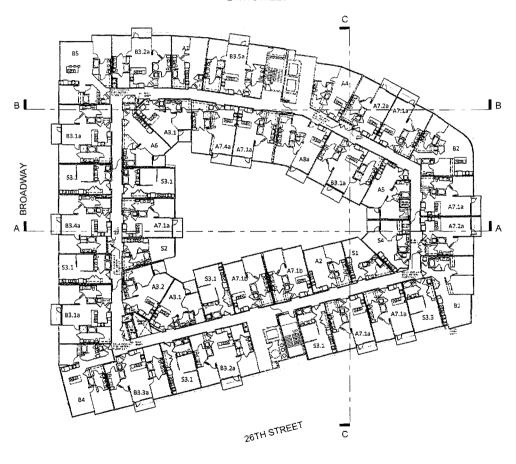
PLANNING COMMISSION

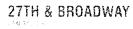
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### 27TH STREET

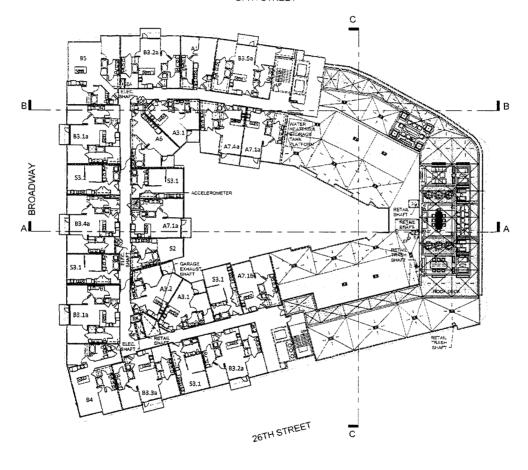








### 27TH STREET





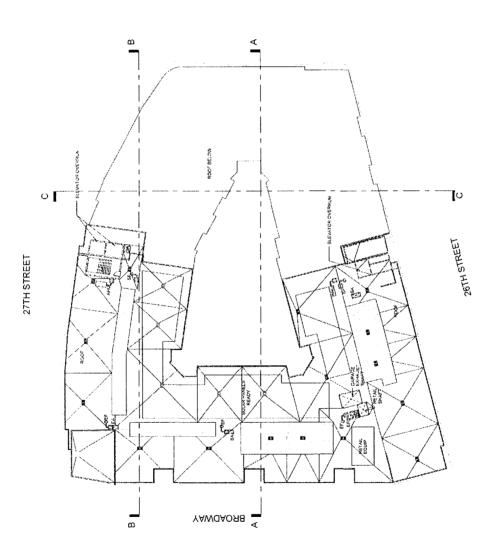


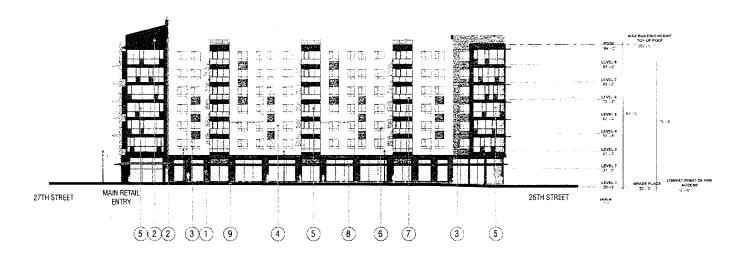
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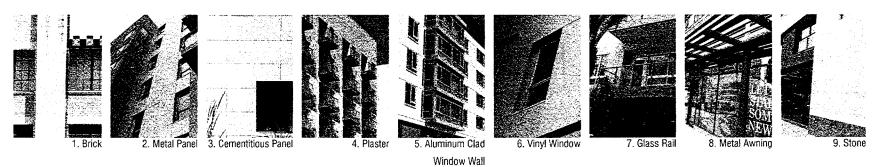






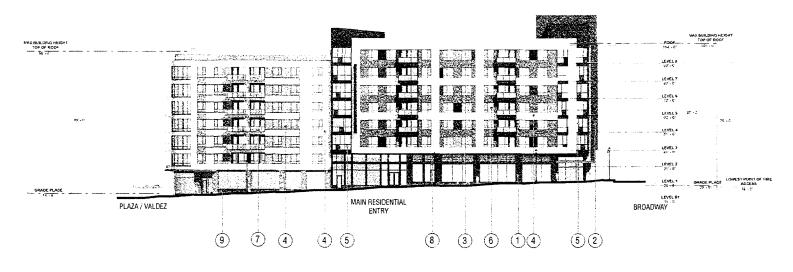


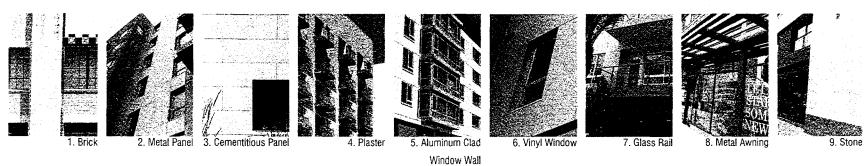












27TH & BROADWAY



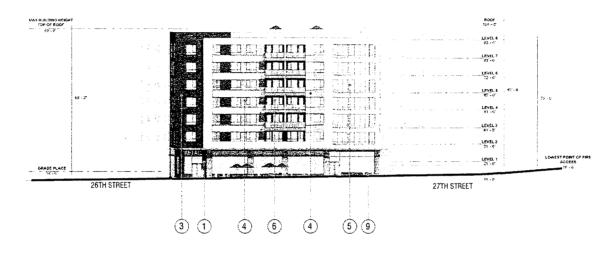


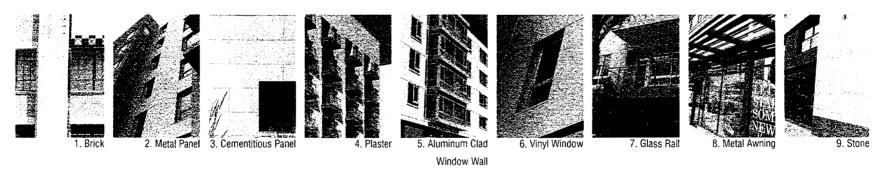
PLANNING COMMISSION

1 44 PM AT 14 TO

27TH STREET ELEVATION







27TH & BROADWAY

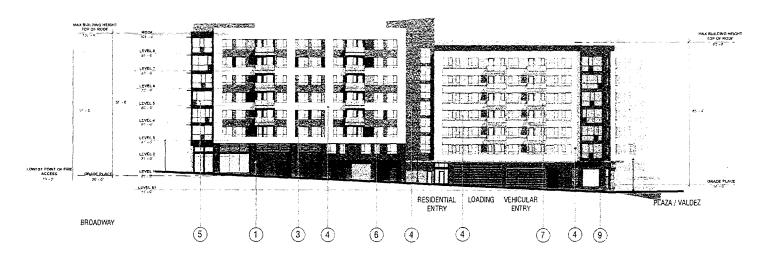


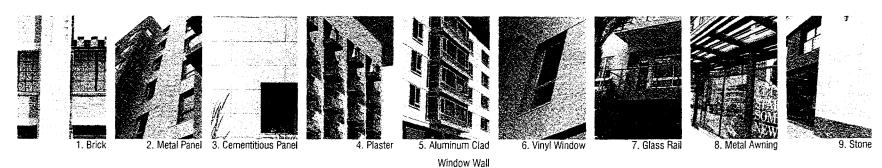


PLANNING COMMISSION INVOCATION TO A CONTROL

s. PLAZA VALDEZ SLEVATION







27TH & BROADWAY





PLANNING COMMISSION James 1920 Cont. 104 # Date: 17

26TH STREET ELEVATION



RETAIL SECTION

SECTION AA

PARKING

PARKING

RESIDENTIAL RESIDENTIAL RESIDENTIAL

OROPPED SLAB UNDER COURTYARD

RESTOENTIAL RESIDENTIAL

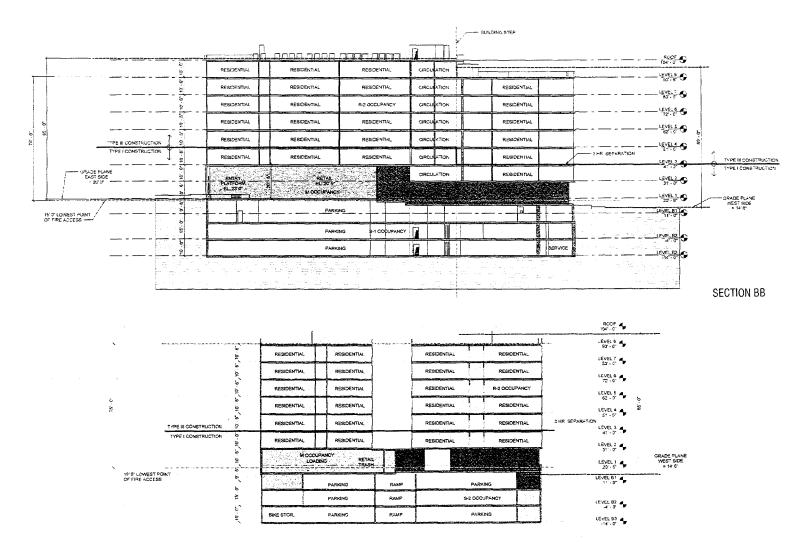
RESIDENTIAL

CIRCULATION



PLANNING COMMISSION





SECTION CC

27TH & BROADWAY

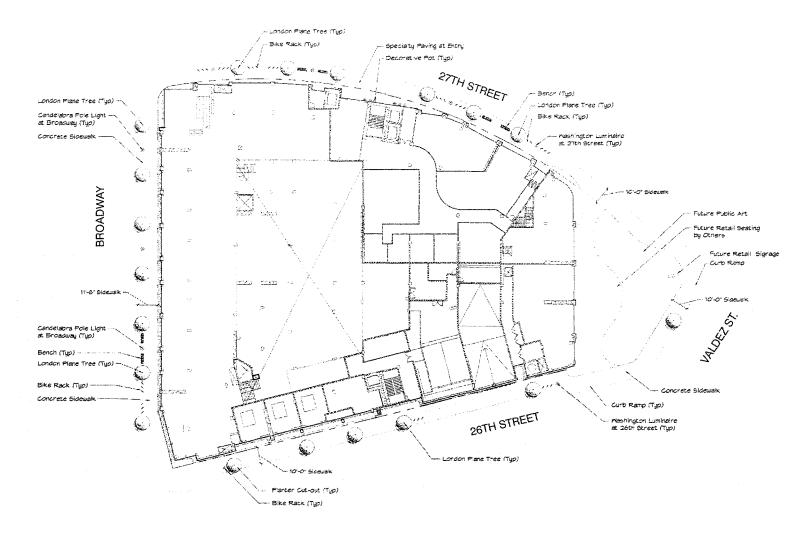


PLANNING COMMISSION AND ARCHARD SOFT TOA # 2014-115



SECTIONS







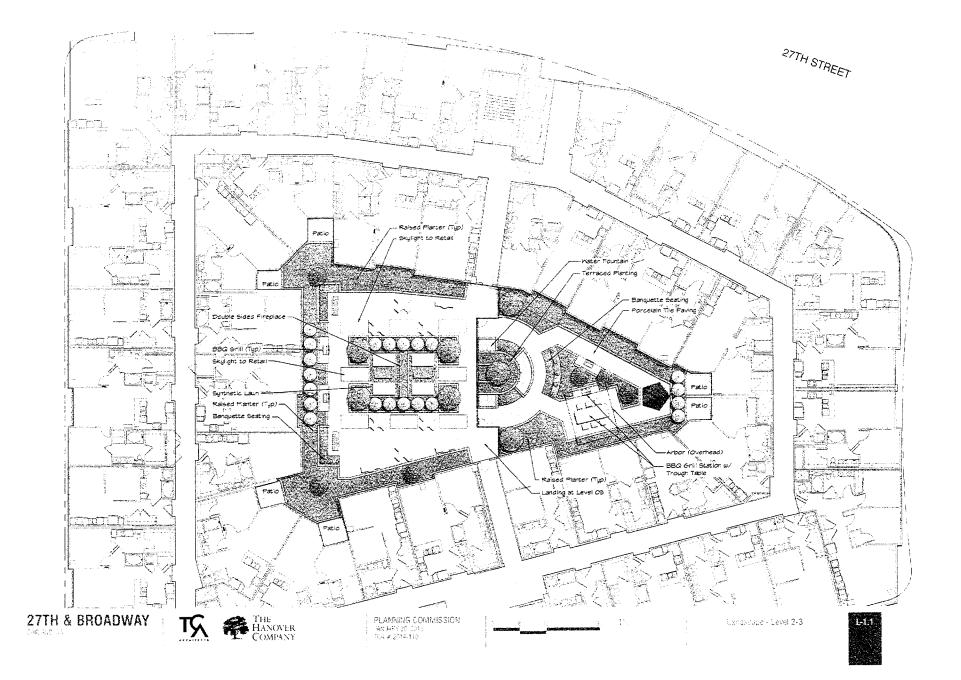
Mashington Luminaire (Signal Black)

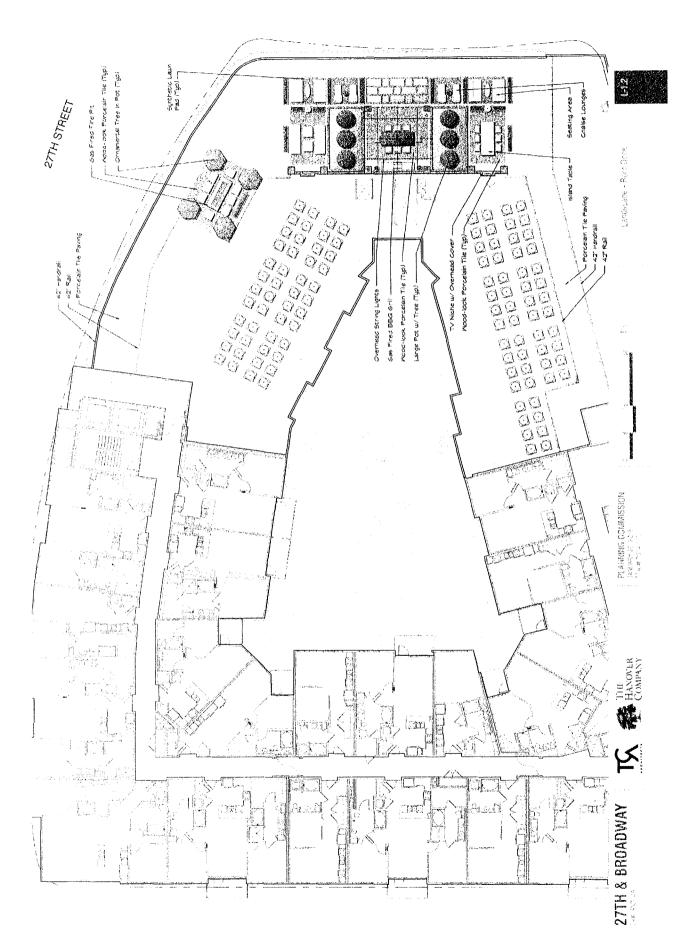


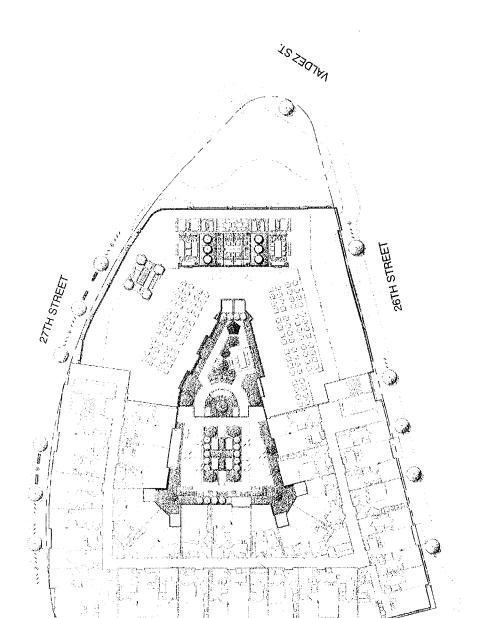
Cancelaora (Signal Black)











YAWQAOAB

BKF 100 S. SURVEYORS PLANNERS

10402

VESTING TENTATIVE PARCEL MAP FOR CONDOMINUM PURPOSES
TITLE SHEET

C1.01

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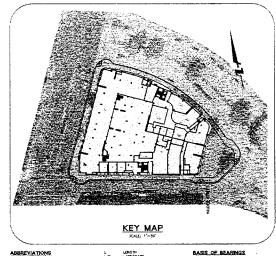
## 27TH & BROADWAY - VESTING TENTATIVE PARCEL MAP NO. 10402

### ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES 1 RESIDENTIAL CONDOMINIUM AND 2 COMMERCIAL CONDOMINIUMS

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA







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DC	BUILDING	OF, GR	OFFICIAL R
Pie	BOTTON	PERF	
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	CATCH BASIN	R	HADIUS
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	CENTER LINE	5	SOUTH
Suc	CONCRETE	\$/w	SDEWALK
rv	CABLE TELEVISION		SEE MICH
DA	DOUBLE CHECK DETECTOR ASSEMBLY		STORM DK
×	DOCUMENT	2040	STORM DR
•	DOMESTIC WATER	2000	STORM DR
**	DRIVEWAY	5000	STORM OR
	EAST, ELECTION	SDWM	STORM DR
	EXISTING GROUND	S.L.P.	SEE LANC
£C	ELECTRIC	55	SAN TARY
€¥	ELEVATION	2500	SANITARY
,	EDGE OF PAYEMENT	SSACH	CANTARY
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iC.	FEET	VER1	VENTICAL
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u.	FINE WATER	-	NA ER VIC
W.	GRATT	~	WATER VA
Š.	HODIO TA	E/	4174

UTILITY NOTE:

PRINCE MEMBERS OF NORTH 2772/42" EAST BETWEEN TOURS MEMBERS, ALONG BROADWAY AT THE NTERSECTIONS OF 25TH STREET AND 25TH STREET AS SHOWN ON THAT CORTAIN RECORD OF

APPLICANT.
SCOTT YOURAL
HARDYCR R.S. LIMITED PARTNEPSHIP
2010 DROW JANTON PLACE SUITE TOO
SAN PAURIC. CA 945657
202 277.9445 CIVE ENGINEER SALVAN, RETAINS THERE WHE COMMENT PE BEF ENGINEERS THE ESSAULT COMMENTS OF THE COMMENTS OF T

ARCHITECT

CREATHAN COHEN
TOA ARCHITECTS
1111 BROADHAY, SUIT 1320
GAKLAND, CA \$4607
510 542-4222

LANDSCAPE ARCHITECT

SHEET INDEX SHEET MILE BOUNDARY SURVEY PREMINIARY SITE FLAN EPPELINHARY ORADING PLAN FRELBANARY GRADING PLAN PROLUMBARY LITERLY PLAN PRELIMINARY STOPHWRITER CONTROL PLAN OPOSC SECTIONS PRELIMINARY ERONON CONTROL PLAN

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CONTOUR LINE		
PENCE	······································	
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SANITARY SEWER (SEP 38 PVC)		
MATER MAN (COOD PWC)	— w —	
THE WATER MAIN (CONT PVC)		
GAS LINE	CAS	
JOINT TRENCH		
SANDARY SEREP CLEANOUT	•	
SANITARY SEMER MAKHGLE	•	
STORU BRAIN TURN ALET		
STORM DRAIN MANHIGLE	•	
STORMFETER		
DETECTOR CHECK & HETER		

٦ ٩ COMPOUND METER TRE DEPARTMENT OF FRE HYDRANT MATER VALVE CAP MONUMENT

ENGINEER'S STATEMENT THE MESTING TENTATIVE HAN FOR CONDOMINAN PURPOSES HAS BEEN PREPARED BY UNCER MY DIRECTION IN ACCOMPANIE WITH STANDARD DIRECTION OF ACCOMPANIE WITH STANDARD DIRECTION OF ACCOMPANIE WITH STANDARD DIRECTION OF ACCOMPANIES.

MOUN		1.11.2016	
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27TH & BROADWAY





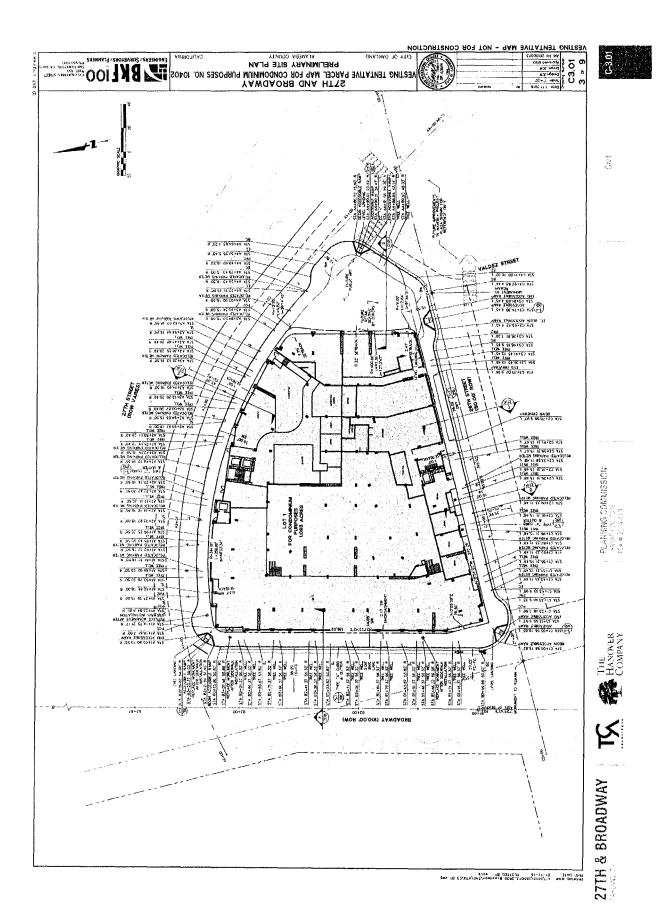
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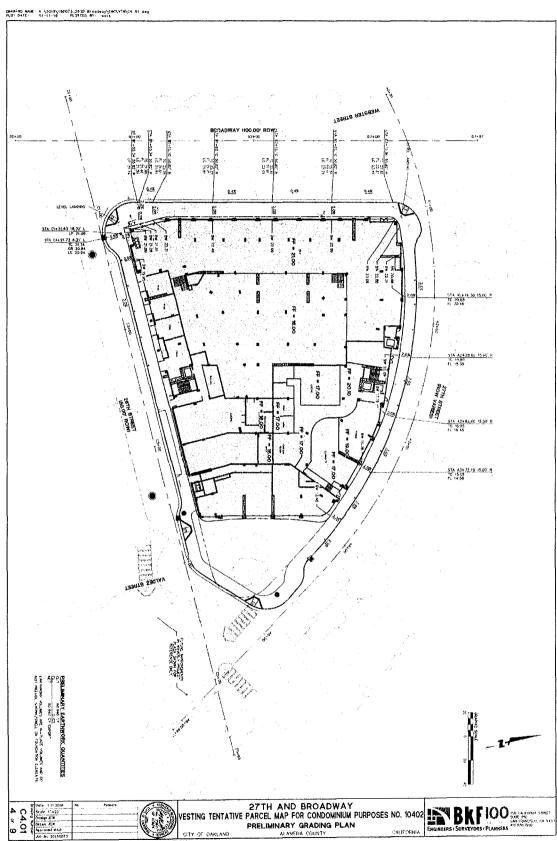


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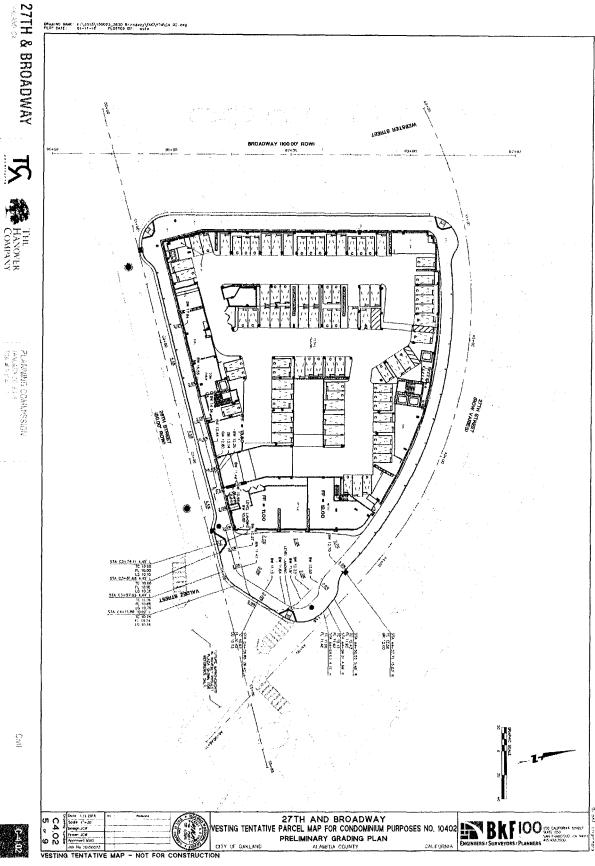
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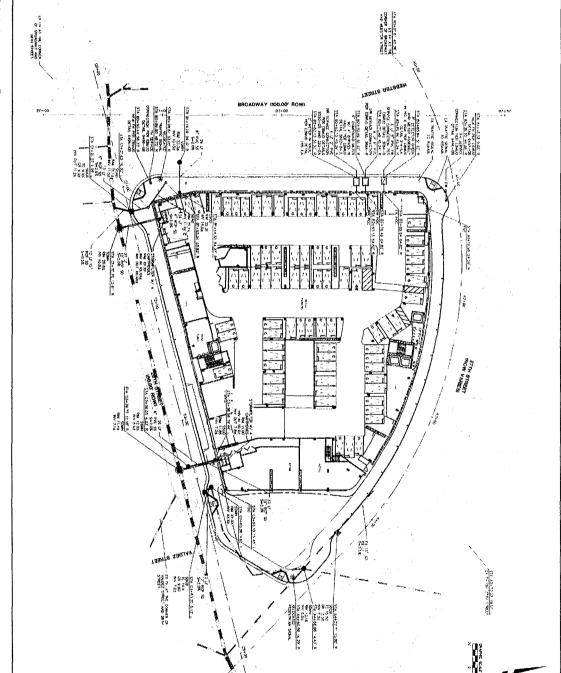








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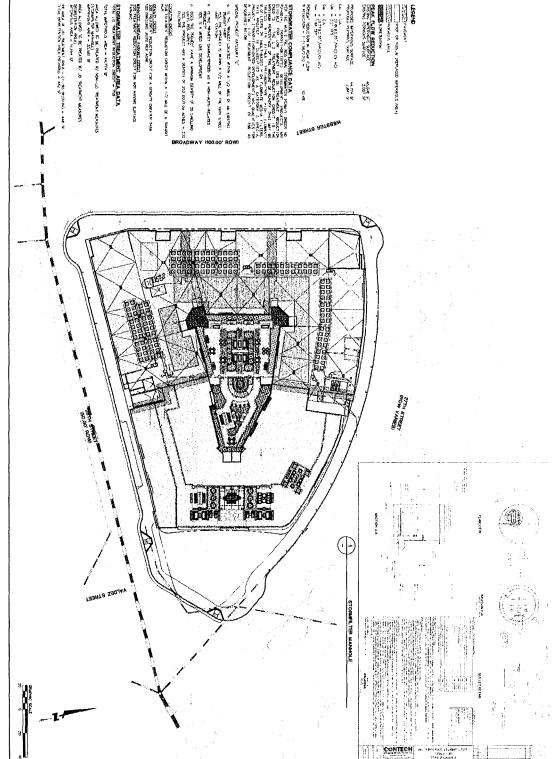
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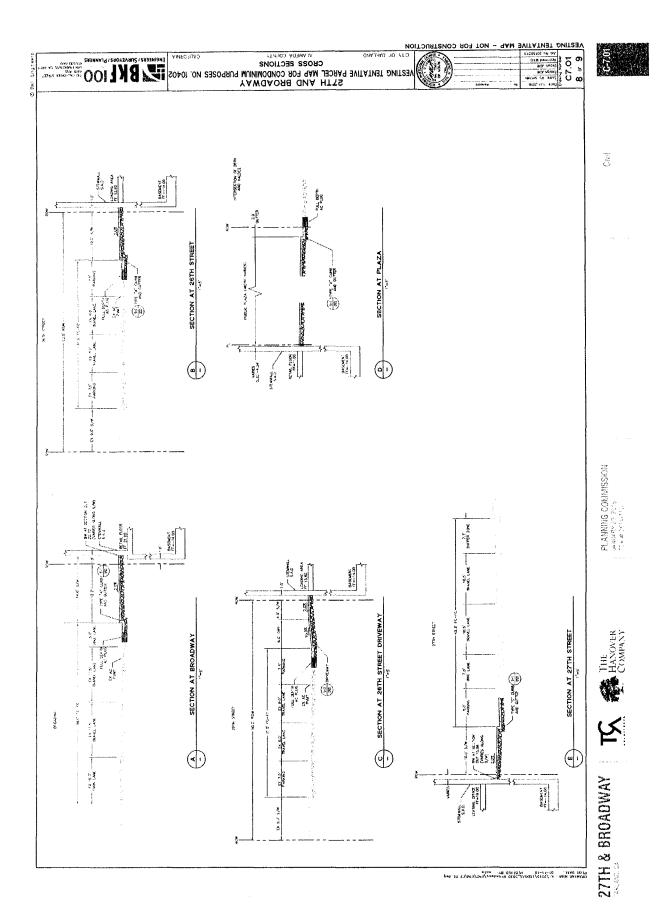
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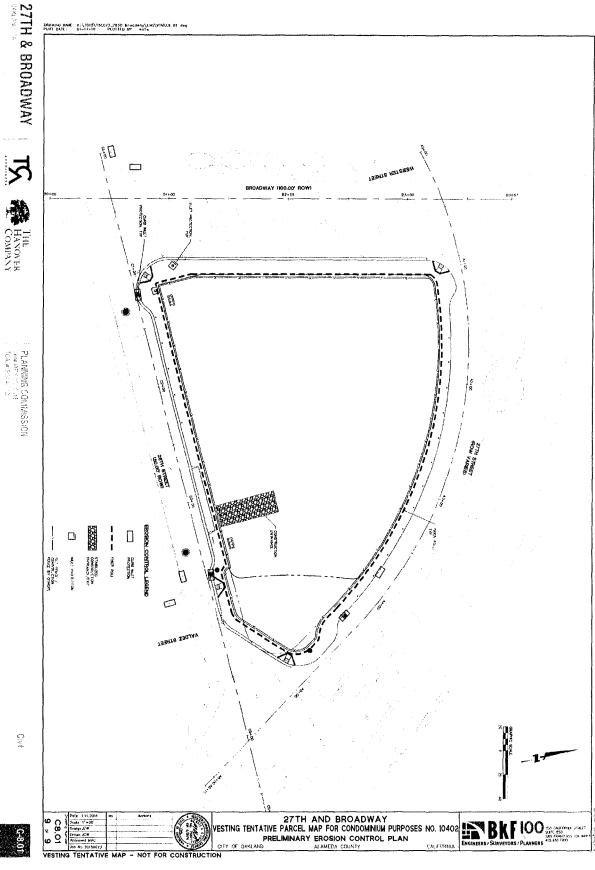


27TH AND BROADWAY
VESTING TENTATIVE PARCEL MAP FOR CONDOMINUM PURPOSES NO. 10402
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BKF100 ENGINEERS/SURVEYORS/PLANNERS

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# ATTACHMENT B



## CITY OF OAKLAND

### **APPEAL FORM**

# FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

PROJECT INFORMATION		
Case No. of Appealed Project: PLN 15-241		
Project Address of Appealed Project: 220 BZOAOWAY		
Assigned Case Planner/City Staff: Tere Voundania		
APPELLANT INFORMATION:		
Printed Name: Voyce Roy Phone Number: (510) (655-7509)		
Mailing Address: 258 MATHEZ. ST Alternate Contact Number:		
City/Zip Code OAKLAND 94611 Representing: FRIENDS OF BIFFE		
Email: joyce roupe containsk not		
An appeal is hereby submitted on:		
□ AN <u>ADMINISTRATIVE</u> DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)		
•		
YOU MUST INDICATE ALL THAT APPLY:		
<ul> <li>Approving an application on an Administrative Decision</li> <li>Denying an application for an Administrative Decision</li> </ul>		
☐ Administrative Determination or Interpretation by the Zoning Administrator		
Other (please specify)		
Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:		
Administrative Determination or Interpretation (OPC Sec. 17.132.020)		
Determination of General Plan Conformity (OPC Sec. 17.01.080)  Design Review (OPC Sec. 17.136.080)  Small Project Design Review (OPC Sec. 17.136.130)		
☐ Small Project Design Review (OPC Sec. 17.136.130) ☐ Minor Conditional Use Permit (OPC Sec. 17.134.060)		
☐ Minor Variance (OPC Sec. 17.148.060)		
☐ Tentative Parcel Map (OMC Section 16.304.100) ☐ Certain Environmental Determinations (OPC Sec. 17.158.220)		
☐ Creek Protection Permit (OMC Sec. 13.16.450) City of Oakland		
☐ Creek Determination (OMC Sec. 13.16.460) Planning & Zoning Division ☐ City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)		
☐ Hearing Officer's revocation/impose or amend conditions		
(OPC Sec. 17.152.150 &/or 17.156.160)  Other (please specify)		

(Continued on reverse)

# A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL) Granting an application to: OR Denying an application to:

### YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:  Major Conditional Use Permit (OPC Sec. 17.134.070)  Major Variance (OPC Sec. 17.148.070)  Comparison of Design Review (OPC Sec. 17.136.090)  Tentative Map (OMC Sec. 16.32.090)  Planned Unit Development (OPC Sec. 17.140.070)  Environmental Impact Report Certification (OPC Sec. 17.158.220F)  Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)  Revocation/impose or amend conditions (OPC Sec. 17.152.160)  Revocation of Deemed Approved Status (OPC Sec. 17.156.170)  Other (please specify)			
FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.			
You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.			
The appeal is based on the following: (Attach additional sheets as needed.)			
SEE ATTACHMENT			
Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.			

(Continued on reverse)

Signature of Appellant or Representative of Appealing Organization	1/29/100 Date
To Be Completed By Staff based on ap	PEAL TYPE AND APPLICABLE FEE
APPEAL FEE: \$	
Fees are subject to change without prior notice. The fees charged will be those due at submittal of application.	that are in effect at the time of application submittal. All fees are
Below For Staff U	
Date/Time Received Stamp Below:	Cashier's Receipt Stamp Below:

### The appeal is based on the following:

1) The Findings necessary to permit demolition of Biff's Coffee Shop, a Historic Resource, have not been met.

Finding 1: The existing property has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return.

Biff's restored as a full service 24/7 restaurant as it was before it was forced to close, would generate \$20,000/month for the developer at a cost of approximately \$1.5 million. That is a very *reasonable economic return*.

Finding Ill: The design quality of the replacement facility is equal/superior to that of the existing facility. Analysis prepared by a historic architect or professional with equivalent expertise.

Note this condition: Analysis prepared by a historic architect or professional with equivalent expertise.

Only someone like Alan Hess fits the description of "<u>a historic architect or</u> professional with equivalent expertise."

And certainly, the preservation architectural firm, Page & Turnbull, engaged by the developer to enable the demolition of this historic resource is not in a position to judge the quality of a replacement.

Finding IV: It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

It is economically feasible to build enough housing and retail on Broadway, the vacant portion of the lot, and restore a stand alone Biff's which itself will generate considerable economic return. The size and shape of the site almost asks for that composition. The viability of this alternative has been demonstrated by the Friends of Biff's alternative, which was presented to both the developer and the Planning Commission.

2) The Hanover proposal is at odds with the goal of the Broadway/Valdez Specific Plan. It is not to cram every inch of a parcel with housing, but to attract more retail to Oakland, that is, more revenue, more sales taxes.

Not only will a restored Biff's bring in considerable sales tax revenue, it will attract others to this budding retail area. Reusing historic resources and development are not always on the same page, but they are in this case. And it is easier because the reuse is for the same purpose for which it was built. Plus, it proved to be very popular and would be even more so now with much more housing nearby. It was built for an urban neighborhood; hence with its only entry from the public sidewalk, it is pedestrian friendly.

Because the citizens that participated in the Specific Plan public process demanded it, the Plan emphasizes the importance of incorporating reuse of historic resources. It even gives double credit for retail in historic buildings. In the Oakland Heritage Alliance letter to the Planning Commission, they cite 33 references to historic resources in the Specific Plan.

Documents previously submitted to one or more of these: Landmarks Board, Planning Commission Design Review Committee, Planning Commission

To the Oakland City Council

Re: 2630 Broadway proposal

From Friends of Biff's

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Challenge to Demolition Findings
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Letter from National Trust of Historic Preservation

Letter from Alan Hess, dated 12/8/15

Letter from Adriene Biondo, Chair Emeritus of the LA Conservancy's Modern Committee, letter

Infeasibility of Relocating Biff's

Comparison of Specific Plan's Proposal and Developer's Proposal

Letter from OHA, dated 1/19/16

OHA CEQA Comments, dated 1/20/16

Oakland Tribune Commentaries

6/11/15 There is a chance of reopening of historic restaurant 10/15/15 There's no reason why Biff's should be demolished 01/20/16 Must pack planning commission chamber, if Biff's is to be saved

Links to Chronicle articles: 01/13/14, 01/12/16

January 20, 2016

To Planning Commissioners

Re: 2630 Broadway

It is useless to even consider this proposal because it can't fly.

This proposal requires the demolition of Biff's but it does not meet the city's own conditions required to permit the demolition of a historic resource.

One is that it "has no reasonable use or cannot generate a reasonable economic return."

But, we know from the architect, Victor Newlove, who generated the original working drawings and has since restored similar restaurants that were more or less a shell, that the construction costs would be about \$2.0 million, but the final cost would be about \$1.5 million because of historic tax credits, etc.

Biff Naylor, who wants to operate the restored Biff's has put it in writing that he would pay \$20,000/month to lease it. That is based upon the revenue generated from 4 or 5 other similar restaurants he operates.

For an annual return of \$240,000 (\$20,000 x 12) on an investment of \$1.5 million would mean the original investment would be recovered in about 7 years.

### That seems like "a reasonable economic return."

We asked Victor Newlove and Biff Naylor to come to this meeting. Victor Newlove, who has a very busy practice mostly in restaurants, could not spare the time. Biff Naylor is opening a new restaurant in Las Vegas. We are lucky that he wants to be the operator for Biff's, altho only in a restored Biff's. He once indicated he might be interested in opening somewhere else in Oakland, but changed his mind.

And even if a historic resource could not "generate a reasonable economic return," there is a second condition that must be met to permit its demolition:

"The design quality of the replacement facility is equal/superior to that of the existing facility. Analysis prepared by a historic architect or professional with equivalent expertise."

That means the analysis would have to be prepared by someone of Alan Hess's expertise. That has not happened.

Most developers in Oakland are building on vacant lots. Hanover can build units on the vacant portion of the site on Broadway, which is the best location for retail. We have a proposed alternative that does that, restores Biff's and is profitable. It's attached.

-FRIENDS OF BIFF'S

# Finding 1: The existing property has no reasonable use or cannot generate a reasonable economic return, and that the development replacing it will provide such use or generate such return.

Biff's restored as a full service 24/7 restaurant as it was before it was forced to close in 1996 would generate \$20,000/month for the developer at a cost of approximately \$1.5 million. That is about the development cost of four apartments, which would generate only about \$12,000/month.

Furthermore, Biff's annual gross sales are estimated at \$3.0 million with \$50,000 annual revenue to the city, and would provide 60 to 65 jobs.

These are real numbers from a real operator who operates five similar restaurants, not some industry standard that the developer uses. And the construction cost estimate is from the architect that drew the working drawings. Using the high end of his estimate, \$2.0 million, and deducting \$500,000 for Mills Act Property Tax Benefit, Federal Historic Tax Credits and Façade Improvement funds, the cost of restoration would be about \$1.5 million.

That very successful operator with five similar 24/7 restaurants, which he operates under the name of Du-Par's (<a href="www.du-pars.com">www.du-pars.com</a>), is 'Biff' Naylor. He was born in Oakland where his father opened his first restaurant, Tiny's Waffle Shop. Later when the family moved to LA, he named his new restaurant Biff's after his son. It was one of the first restaurants in the space age style known as 'Googie.'

Biff flew up from LA on June 11 this year for the first meeting we had with Scott Youdall of Hanover Co. Biff met alone with him for about an hour and told him he would pay \$20,000/month to lease a restored Biff's. And, as he put it, "you can take that to the bank." So from at that meeting the developers were apprised of it value. (See letter from Biff Naylor.)

The architect who drew the working drawings for Biff's is Victor Newlove. It was his first job with Armet & Davis, and after their death has become the principal of Armet Davis Newlove. Their practice is still primarily restaurants. He bases his estimate on their restoration of a Norms Restaurant, a similar round restaurant that was a shell.

### **COST COMPARASION**

	Biff's Per Biff, Operator	Biff's Per Newlove Architect	Biff's Per Hanover Developer
Construction Costs		\$1.5 million	\$3.5 million
Annual Gross Sales	\$3.0 million		\$1.6 million
Jobs	60 to 65		18
Annual Revenue to Owner	\$240,000 (\$20,000/mon lease)		\$158,600
Annual Revenue To City	\$50,000		\$26,600

Finding Ill: The design quality of the replacement facility is equal/superior to that of the existing facility. Analysis prepared by a historic architect or professional with equivalent expertise.

Note this condition: <u>Analysis prepared by a historic architect or professional with equivalent expertise.</u>

The Landmarks Board has only one member who is an architect, and it is

doubtful that he would claim to be "a historic architect or professional with equivalent expertise."

The board approved this Finding reluctantly based on a subcommittee meeting at which there were no images of Biff's. (Which was also true at the commission's design review committee meeting.) They seemed to be looking for some kind of abstract reference to Googie architecture such as blade signs, which has nothing to do with Biff's simple, elegant MidCentury design. The proposed design could not be more at odds with Biff's space age vocabulary.

The architects, TCA, as pointed out in the National Trust's letter, received an award by LA Conservancy for its adaptive reuse of a Mid-Century project, the Lincoln Place apartments, so they are acquainted with its vocabulary.

Two examples of recent East Bay projects patterned after this simple, elegant style are the Fine Arts building in downtown Berkeley <a href="http://www.wrtdesign.com/projects/detail/berkeley-fine-arts-building/224">http://www.wrtdesign.com/projects/detail/berkeley-fine-arts-building/224</a> and the approved project for the Alameda Point Site A, for PDF see attachment for Item 7-C:

http://legistar1.granicus.com/alameda/meetings/2015/12/3666 A Planning Board 15-12-14 Meeting Agenda.pdf

Only someone like Alan Hess fits the description of "a historic architect or professional with equivalent expertise."

And certainly, the preservation architectural firm, Page & Turnbull, engaged by the developer to enable the demolition of this historic resource is not in a position to judge the quality of a replacement.

# Finding IV: It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

It is economically feasible to build enough housing and retail on Broadway, where it belongs, and restore a stand alone Biff's which itself will generate considerable economic return. The size and shape of the site almost asks for that composition. This is demonstrated by the alternative titled:

### A Superior Alternative for 2630 Broadway

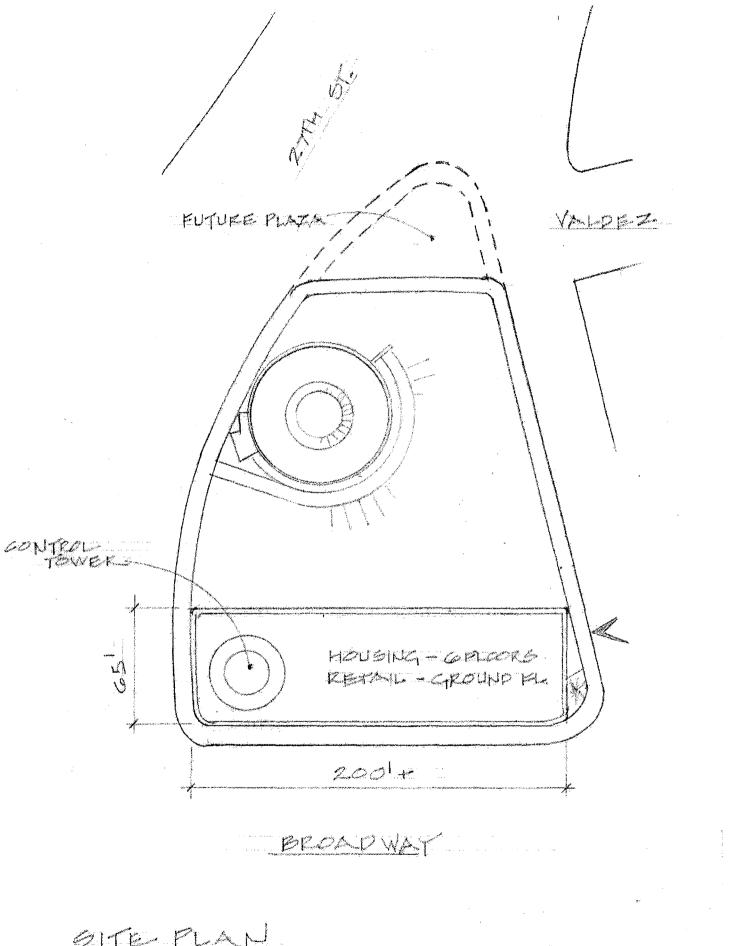
The developers have seen this alternative, but so far, have not responded.

\* \* \* \* \*

Remember, this is not just about Biff's. If the Planning Commission approves the findings for its demolition, every other historic property on a retail priority site in the Broadway/Valdez Specific Plan area will be endangered. This includes:

The **Seventh Church of Christ Scientist**: Can it "generate a reasonable economic return?" If not, it could be replaced by a building with some craftsman doodads.

The **Newsom Apartments**: Can they generate \$3000/month apartments? Then replace it with such apartments and retail.

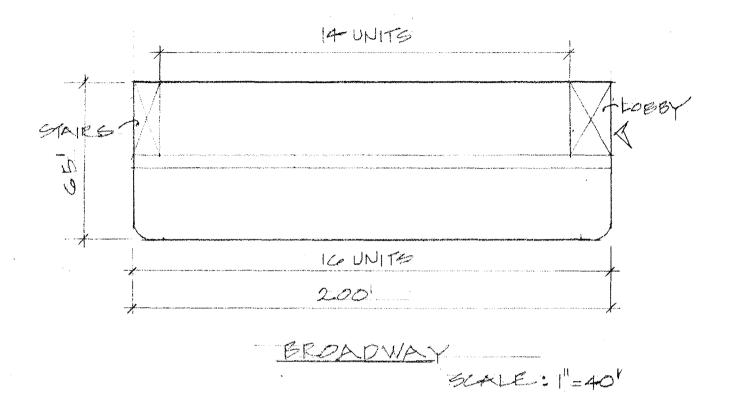


OITE PLAN

2430 BRADUMY

50 100 150

### **SCHEMATIC** for 2630 Broadway



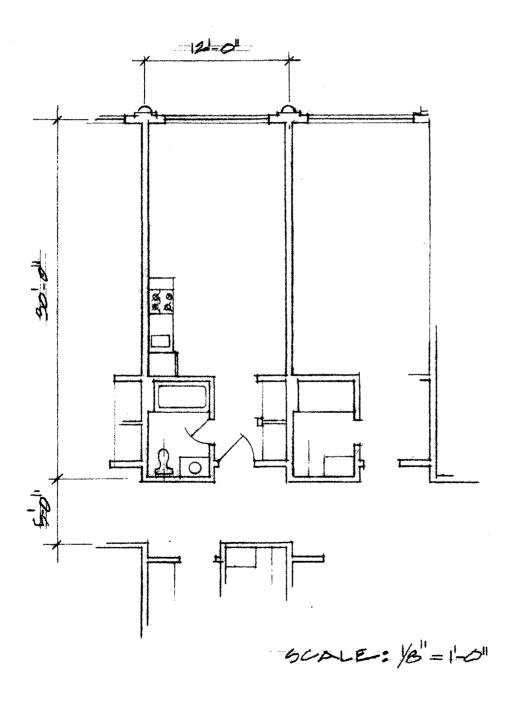
Micro Apartments: 30 units/floor x = 180 units

Retail: Broadway:  $(200 \times 65) - (24 \times 30) = 12,300$ 

Biff's:  $6,000 \times 2 = 12,000$ 

TOTAL: 24, 300 sq. ft.

# TYPICAL MICRO UNITS for 2630 Broadway



### An Alternative for 2630 Broadway

#### The project will be faster and less expensive to construct for the following reasons:

The housing has a logical straightforward structure, which makes the engineering simpler and construction faster. The current proposal will be very complicated to construct!

The need to construct below the water table will be eliminated. No more than two levels of parking will be needed. You will need more bicycle spaces than car parking spaces. The commercial parking spaces for the Broadway retail and Biff's can be accommodated between the two buildings, with well located landscaping.

The façade to be simply sculptured white stucco echoing the Moderne/Art Deco era as does Biff's.

### The housing will be more marketable for the following reasons:

This is located near tech workers who are particularly drawn to micro apartments.

Being able to step out of one's front door into a very special restaurant for a good breakfast or dinner after a concert.

Every apartment would have a great view in the best directions, east or west.

If only half of the city's proposed projects get built, there will be a glut of \$3000/apartments in the market. These affordable market-rate units, for about \$1,500/month, will be snapped up quickly, probably even before construction is completed. \*

### The retail space will be more marketable for the following reasons:

Prospective retailers may balk at leasing space at a location with so little foot traffic but if they know Biff's will be restored as a full service 24/7 restaurant bringing many potential customers to the area, it will be much more attractive for retail.

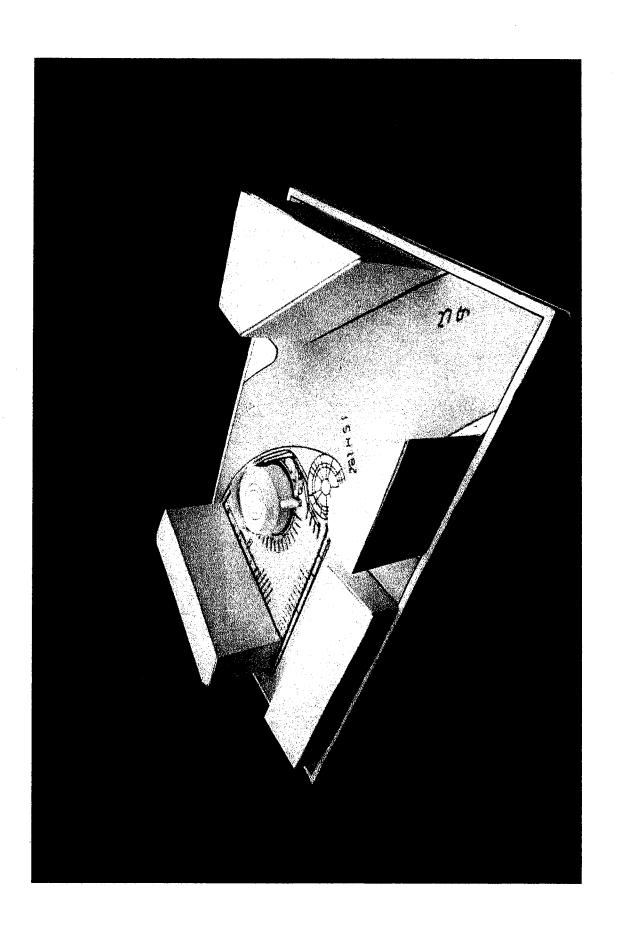
Since the Broadway shuttle stops at Biff's, downtown office workers can lunch and shop here. Even people who dine there after a show, will come back to shop. I am told the line for brunch on Sunday went around the block.

Out-of-towners will discover this as a place to shop. The petition 8,000 names opposing Biff's closure had many outside of Oakland. And a Historic Point of Interest sign on freeways would bring even more.

NPR in a segment about Space Age design, featured Oakland's Biff's as the example: <a href="http://www.npr.org/2011/07/14/137763046/out-of-this-world-designs-of-the-space-age">http://www.npr.org/2011/07/14/137763046/out-of-this-world-designs-of-the-space-age</a>

\* Of course, an apartment that is half the size of another is not half the price because each has a bathroom and a kitchen. But, in this case, savings in less costly and faster construction means it could be half.

Factoring in the monthly rent of \$20,000 from Biff's which is equivalent to 13 apartments, the land cost is \$40,000/unit, not counting the Broadway retail (\$7,700,00/193). \$40,000/unit is presently about average land costs in Oakland.





January 12, 2016

I estimate the Biff's Restaurant restored at its present site would employ 60 to 65 people and have sales in excess of three million dollars and pay rent of \$20,000 per month.

Regards,

Biff Naylor

President

Dupars Resorts, Inc.

1 Fremont Street, Las Vegas, Nevada 89101



#### ARMET DAVIS NEWLOVE AIA ARCHITECTS

1330 Olympic Boulevard Santa Monica, CA 90404

Phone: 310-452-5533 • Fax: 310-450-4742

Email: Newlove@adnarch.com

January 8, 2016

Planning Commission City Hall Oakland, CA. 94612

Re: Biff's Coffee Shop

To the Planning Commission:

This letter serves to confirm that our firm, Armet Davis and Newlove Architects Inc are the successor firm to the original Architects of record on this project Armet and Davis Architects.

We believe that this building should be preserved for the following reasons:

- 1. It is an outstanding example of Mid Century Modern architecture.
- 2. That this design was unique in being designed in the round which was counter to almost all other designs of the period.
- 3. That it represents some of the finest examples of the work of Armet and Davis in regards to functional design of food establishments.

The best course of action would be renovate the existing building which would cost far less than moving the building (which is impractical) and or constructing an entire new building in the round which would be very costly.

Keeping the building in the same place and reusing as much of the original structure is justified for the following reasons:

- 1. The restaurant use is Grandfathered in for this location
- 2. The utility infrastructure is already in place.
- 3. The structure is already in place and only requires minimal upgrades to comply with current codes.
- 4. The original design drawings are available and can be repurposed for the upgrade of the existing building.
- 5. It would be easy to provide a new Food Service and seating package.

The cost estimates to renovate the current Biff's Coffee Shop would be between \$1,500,000 and \$2,000,000 and the cost to replicate this building on another site would be between \$4,000,000. to \$5,000,000.

Note that we developed a very similar building for Norms Restaurant's (in 2008) in the City of West Covina, when we converted a Steak Corral into a Norms Coffee Shop. The original building was circular and was gutted to add all new utilities, seating and food service equipment. The basic floor plan was kept but revised to meet current code standards and the program requirements of the Client.

If you have any further questions or comments you may either email or call me.

Victor Newlove AIA

C5570

310-452-5533 ext. 202

December 8, 2015

Chairman Jim Moore Vice-Chairman Adhi Nagraj Ms. Chris Pattillo Oakland City Planning Commission Design Review Committee 250 Frank H Ogawa Plaza Oakland, CA 94612

VIA Email to jmoore.ocpc@gmail.com; nagrajplanning@gmail.com; and pattillo@pgadesign.com

Re: Biff's Diner, Case File # PLN15-241

Dear Chairman Moore, Vice-Chairman Nagraj & Ms. Pattillo:

Thank you for the opportunity to comment on the Demolition Findings Report for the mixed use project that proposes to demolish Biff's Coffee Shop at 315 27th Street, a Category I historic resource. As described below we believe that the application does not provide a sufficient basis for the committee to make a finding that the new building will be "equal or superior to" Biff's, as required by the Planning Code. We urge the Committee to instruct the applicant to pursue a revised option that incorporates the historic structure into the development as the most expedious way to meet the required finding.

#### **Interests of the National Trust for Historic Preservation**

The National Trust for Historic Preservation was chartered by Congress in 1949 as a private nonprofit membership organization for the purpose of furthering the historic preservation policies of the United States and facilitating public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. Our San Francisco Field Office is particularly responsive to preservation issues in Northern California.

### I. The Proposal Does Not Meet the Rigid Standards of the Planning Code

At issue is a fundamental protection for Oakland's iconic architecture in the Planning Code. Section 17.136.075(B)(2) requires that the Design Review Committee make a finding that the "design quality" of buildings that are to replace demolished landmarks are "equal or superior to that of the existing facility." (emphasis added). This protection only applies to buildings that are listed as Category I, those which have been determined to be the most significant of the City's historic structures and make it an attractive, vibrant, and distinctive place to live. The requisite finding provides a high standard for new construction projects that involve demolition of historic places. It operates as an important deterrent to the destruction of Oakland's irreplaceable heritage.

The design review application for 2630 Broadway does not provide the Committee a basis on which to make an "equal or superior to" finding. This is not because the design is void of *any* architectural distinction. Rather, it is due to the fact that Biff's, despite its current condition, is an irreplaceable and exceptionally unique structure. It is also an exceedingly rare resource type in Northern California that has remarkable potential as a cultural destination. Its architects, Armet & Davis are considered to be masters, widely celebrated for their role in introducing the Coffee Shop Modern style.<sup>1</sup>

The Planning Code section at issue celebrates the value of buildings like Biff's by making it very difficult to justify a finding that they can be replaced by something equal or superior. In other words, the Code requires that a historic resource will be replaced by something as unique and important to the City's skyline. As historian Alan Hess has suggested "no new building can provide what this historic building already offers this district: a clear Californian character to distinguish this retail district from its competition." (letter attached)

Further, the design review materials lack analysis on how the replacement architecture compares to the existing building at issue. Pages 12-14 of Demolition Findings Report mention that the new building will have a "modernist sensibility," but does not demonstrate why the new building will be particularly unique or pioneering. The Committee has the discretion to reject this insufficient analysis and ensure a strong precedent for the "equal or superior to" Code section.

<sup>&</sup>lt;sup>1</sup> The Los Angeles Conservancy hosts a website devoted to Armet & Davis *available at* <a href="https://www.laconservancy.org/architects/armet-davis">https://www.laconservancy.org/architects/armet-davis</a>.

# II. The Replacement Construction Should be Rejected Because the Design is Oriented AroundAttracting Formula Retail, Not Adding Architectural Distinction to Downtown

We are particularly concerned that the design of the replacement construction is responsive only to the purported need to provide a standardized space for formula retail. For instance, the applicant argued that it could not adaptively reuse Biff's as part of its development because

the reuse of Biff's Coffee Shop as a circular retail site would be less likely to attract national retail tenants who demand certain format specifications in order to meet customer expectations.<sup>2</sup>

This characterization suggests that the committee is must accept that a "national retail tenant" is likely to inhabit as architecturally significant of a retail space as a Category I historic building. This logic is highly problematic. The design of the retail floor of the replacement building would be shaped as virtually any other which such tenant might choose to operate in any other city. If the plan is approved the characteristics that make Oakland visually attractive and unique as a retail destination would be irrevocably lost to another formula retail plan.

### III. The Broadway Valdez Specific Plan Does Not Require the Demolition of Biff's as suggested by the Staff Report

We take exception to the conclusions of the staff report submitted to this committee that the retention of Biff's "would heavily undermine the development of the type of retail that was called for at this site under the [Broadway Valdez District Specific Plan]." This characterization of the Specific Plan is incorrect for several reasons. Most notably, the Final EIR states directly that the Specific Plan "does not mandate the physical demolition....of any properties, historic or otherwise." Final EIR at 5-5. Moreover, the staff report completely ignores Goal 5, which

[e]ncourage[s] the creative reuse of historic buildings that maintain a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that establish a vibrant and visually distinctive retail and mixed use district.

Finally, the Specific Plan provides incentives for adaptive reuse. Specifically, CEQA historic resources like Biff's within Retail Priority Sites can be counted as double square footage towards the retail square footage requirement to build residential uses.

<sup>&</sup>lt;sup>2</sup> Historical Mitigation Compliance Analysis, p. 15

#### Conclusion

This committee has responsibility to reject the applicant's argument that its mixed use project with ground floor format specifications for a "national retail tenant" will be equal or superior to the architecture at Biff's Diner. We urge you to require the developer to integrate the Biff's site into its design, protect its character-defining features, and create a model retail tenant that recognizes the value of demonstrating the old and new construction can co-exist.

Finally, we know that the applicant's architect TCA is capable of a preservation-friendly design. The firm recently received an award by the LA Conservancy's for its adaptive reuse of the Lincoln Place apartments. In its acknowledgment of the award TCA claims that the project demonstrates "that old and new construction can coexist."

Thank you for your consideration. Please contact me at <a href="mailto:bturner@savingplaces.org">bturner@savingplaces.org</a> or (415) 692-8083 if you have any questions or concerns.

Brian R. Turner, J.D.

Attorney

San Francisco Field Office

Attach:

10/13/13 Letter from Alan Hess

Cc: Peterson Vollmann, City of Oakland

 $<sup>^3</sup>$  "Lincoln Place Wins 2015 Conservancy Preservation Award" available at http://tca-arch.com/news/

ALAN HESS
ARCHITECT
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October 13, 2013

Landmarks Preservation Board 50 Frank Ogawa Plaza, Suite 3315 Oakland, CA 94612

re: Broadway Valdez District Specific Plan - Biff's Coffee Shop

To the Landmarks Preservation Board:

I am writing to urge you to preserve Biff's Coffee Shop as part of the Broadway Valdez District Specific Plan.

This building is a unique asset both historically and economically which will contribute to the quality of Oakland's urban fabric -- if it is allowed to remain. It offers a distinct opportunity to contribute to the BVDSP's stated goal of creating true "destination retail." Simply stated, no new building can provide what this historic building already offers this district: a clear Californian character to distinguish this retail district from its competition.

Biff's architecture is a representative of California's remarkable growth, optimism, and innovative design in the mid twentieth century, a unique period in California's history. It was designed by a recognized master architect, Armet and Davis, who helped develop this style and type, and spread it nationally.

The building type, known as the California Coffee Shop, is an example of how the state's prosperity and its distinctive lifestyle were made widely available to the average citizen. The sophisticated custom Modern design, both inside and out, brought a sense of California as a place where the future had already arrived, and was available to everyone as they went about their daily lives -- in this case, when they stopped in for a meal or a cup of coffee.

The building style, known as Googie, is an example of the state's innovative Midcentury Modern design. Its unconventional circular form, for example, promised a new type of architecture that broke free of the past. Its scale and sign were suited to its commercial and street-oriented function.

I write to you as an architect and historian who has written about twentieth century Modern architecture in several of my nineteen published books. My books *Googie Redux: Ultramodern Roadside Architecture* (Chronicle Books, San Francisco 2004) and *Googie: Fifties Coffee Shop Architecture* (Chronicle Books, San Francisco 1985) are architectural histories of the type and style seen in Biff's; it includes a lengthy history of the architecture firm of Armet and Davis. I have also helped to landmark and preserve numerous buildings of this style, including qualifying the nation's oldest McDonald's stand for the National Register of Historic Places in 1983.

Buildings of this type and style are now recognized as part of the significant historic fabric of our cities, alongside examples of the Victorian, Craftsman, and Art Deco styles. These historic styles were also once vilified and widely demolished, only to be later rediscovered and appreciated for their true worth. Oakland has its share of Victorian, Craftsman, and Art Deco buildings which are today acknowledged as enriching the city's streets and increasing its quality of life. Biff's, as a Googie style building, can also become part of a larger economic and urbanist program for the BVDSP. But that will only be achieved by saving this building. Historic architecture of all periods insures the variety on which livable cities thrive.

The historic and economic value of Googie buildings is not mere theory. Among many examples around the country where once-threatened buildings of this type and style were preserved, restored, and have become economically successful are:

- In 1993, the Bob's Big Boy restaurant (1949) in Burbank, CA, became a county landmark and was preserved. It has since become one of the most profitable restaurants in that chain -- because people want to see something unique which is part of their own history.
- In 2010, the Harvey's Broiler coffee shop (1958) in Downey, CA, was reopened as a Bob's Big Boy with active city support. Though it had been in poor repair for years, it was reconstructed according to its original plans. It also continues to be economically successful.
- In 2013, the Los Angeles Historic and Cultural Monuments commission approved landmark status for Johnie's Coffee Shop (1957) by Armet and Davis, architects of Biff's in Oakland. Planning is currently underway to study how this historic Midcentury Modern architecture can be incorporated into future plans for the adjacent site as a subway station.

These economic successes are due in large part to the unique resource historic buildings bring to a city. They provide variety and delight to the public. Their uniqueness brings a distinctive identity to any district or development which includes them.

Oakland's Biff's has the same architectural pedigree, the same historic character, and the same economic potential as these examples. Once common, few examples of buildings like Biff's remain. In a practical sense, this distinctive identity will help give BVDSP a competitive edge over other all-new, look-alike developments. Biff's is a valuable resource that should not be thrown away.

Preserving Biff's makes economic, historical, and urban planning sense for Oakland. I urge you to preserve this building.

Sincerely,

Alan Hess

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949 551 5343
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www.alanhess.net

December 8, 2015

Design Review Committee City Hall Oakland, CA 94612

re: Biff's Coffee Shop

To the Design Review Committee:

I am writing to urge you to preserve Biff's Coffee Shop as part of a thriving downtown Oakland.

Sustainability is one of the most important considerations in today's world. That includes the distinct advantages of re-using existing buildings instead of demolishing them. These advantages include preserving (not wasting) the energy embodied in the physical structure of Biff's, and the tremendous benefits that historic buildings of all kinds bring in terms of the quality of life and diversity of our cities.

Biff's is a unique asset both historically and economically which will contribute to the quality of Oakland's urban fabric -- if it is allowed to remain. It offers a distinct opportunity to contribute to the BVDSP's stated goal of creating true "destination retail." Simply stated, no new building can provide the unique character that this historic building already offers this district: a clear Californian character to distinguish this retail district from its competition.

The historic and economic value of Googie buildings is not mere theory. Among many examples around the country where once-threatened buildings of this type and style were preserved, restored, and have become economically successful are:

• In 1993, the Bob's Big Boy restaurant (1949) in Burbank, CA, became a county landmark and was preserved. It has since become one of the most profitable restaurants in that chain -- because people want to see something unique which is part of their own history.

- In 2010, the Harvey's Broiler coffee shop (1958) in Downey, CA, was reopened as a Bob's Big Boy with active city support. Though it had been in poor repair for years, it was reconstructed according to its original plans. It also continues to be economically successful.
- In 2013, the Los Angeles Historic and Cultural Monuments commission approved landmark status for Johnie's Coffee Shop (1957) by Armet and Davis, architects of Biff's in Oakland. Planning is currently underway to study how this historic Midcentury Modern architecture can be incorporated into future plans for the adjacent site as a subway station.
- In 2015, Norm's Coffee Shop (1956), also by Armet and Davis, was also landmarked in Los Angeles. Amid national publicity (including the CBS Morning News) the building's owner recognized the value of the building and intends to incorporate it into his new development for the site.
- Last month, Taco Bell Corporation paid for the relocation of the chain's original stand (1962.) Realizing its value to the brand, and aware of the positive national publicity that resulted, the corporate understands the economic value of historic buildings.

These economic successes are due in large part to the unique resource historic buildings bring to a city. They provide variety and delight to the public. Their uniqueness brings a distinctive identity to any district or development which includes them.

Biff's architecture is a representative of California's remarkable growth, optimism, and innovative design in the mid twentieth century, a unique period in California's history. It was designed by a recognized master architect, Armet and Davis, who helped develop this style and type, and spread it nationally.

The building type, known as the California Coffee Shop, is an example of how the state's prosperity and its distinctive lifestyle were made widely available to the average citizen. The sophisticated custom Modern design, both inside and out, brought a sense of California as a place where the future had already arrived, and was available to everyone as they went about their daily lives -- in this case, when they stopped in for a meal or a cup of coffee.

The building style, known as Googie, is an example of the state's innovative Midcentury Modern design. Its unconventional circular form, for example, promised a new type of architecture that broke free of the past. Its scale and sign were suited to its commercial and street-oriented function.

I write to you as an architect and historian who has written about twentieth century Modern architecture in several of my nineteen published books. My books *Googie Redux: Ultramodern Roadside Architecture* (Chronicle Books, San Francisco 2004) and *Googie: Fifties Coffee Shop Architecture* (Chronicle Books, San Francisco 1985) are architectural histories of the type and style seen in

Biff's; it includes a lengthy history of the architecture firm of Armet and Davis. I have also helped to landmark and preserve numerous buildings of this style, including qualifying the nation's oldest McDonald's stand for the National Register of Historic Places in 1983.

Buildings of this type and style are now recognized as part of the significant historic fabric of our cities, alongside examples of the Victorian, Craftsman, and Art Deco styles. Oakland has realized the value of the Art Deco Paramount Theater in enriching the city's streets and increasing its quality of life. Biff's offers the same opportunity. These historic styles were also once vilified and widely demolished, only to be later rediscovered and appreciated for their true worth. But that will only be achieved by saving this building.

Oakland's Biff's has the same architectural pedigree, the same historic character, and the same economic potential as the examples listed above. Once common, few examples of buildings like Biff's remain. In a practical sense, this distinctive identity will help give BVDSP a competitive edge over other all-new, look-alike developments. Biff's is a valuable resource that should not be thrown away.

Preserving Biff's makes economic, historical, and urban planning sense for Oakland. I urge you to preserve this building.

Sincerely,

Alan Hess

October 12, 2015

Landmarks Preservation Board 50 Frank Ogawa Plaza, Ste. 3315 Oakland, CA 94612

Re: Former Biff's Coffee Shop/Broadway Valdez District Specific Plan

Dear Boardmembers.

I am writing to urge you to incorporate the former Biff's Coffee Shop building into the Broadway Valdez District Specific Plan. Historic buildings like Biff's are important touchstones within a community, providing a synergy with new buildings while lending character and a sense of place.

Biff's is an important part of the history of Oakland. The cylindrical building was designed by master architects Louis Armet and Eldon Davis, who established the firm that came to define California Coffee Shop Modern and Googie style architecture. Though the term "Googie" may at first sound trite, it is now internationally recognized as an integral part of the architectural spectrum that includes early 20th century Victorian all the way up through the post-World War II period.

As a Googie style building, Biff's shines with its pedigree and futuristic design. Biff's is the real deal, not a "retro" design. With its space age "flying saucer" lines, Biff's embodies the spirit of the mid- 20th century space age era in California, a period symbolized by postwar optimism and extraordinary style. Uniquely modern coffee shops like Biff's inspire with their sleek architecture and eye-catching signage:

1. One amazing success story is the Johnie's Broiler in Downey, built in 1958. When the Googie style restaurant closed in the early 2000s, a grass roots coalition rallied to landmark the building and focus attention on its unique history. The building was leased to a used car dealership until 2007, when it was nearly leveled through an illegal demolition. That night the story hit the CBS breaking news. Soon after, the City of Downey issued a moratorium to prevent the issuance of any building permits on the site while searching for a new operator. A Bob's Big Boy franchise operator stepped up, working with the City to rebuild the restaurant according to the original blueprints. Today "Bob's Big Boy Broiler" has become a heritage destination, supported by a grateful community and tourists from all over the world. Bob's is also highly sought after as a filming location for commercials, music videos and top television shows like "Mad Men."

- 2. Coincidentally, Matthew Weiner, the creator of "Mad Men" recently lent his support to the preservation of another Armet and Davis designed coffee shop, the 1957 Norms in Hollywood:
  - http://la.curbed.com/archives/2015/05/norms diner where matthew wein er wrote the first notes for mad men will be preserved.php
- The 1949 Bob's Big Boy drive-in restaurant in Burbank, once threatened with development for a high-rise, is now the highest grossing Big Boy in the national restaurant chain...and a designated California Point of Historical Interest.
- 4. Who would have guessed that this international icon was once threatened with demolition? The 1953 "Speedee" McDonalds in Downey, the World's Oldest Operating McDonalds. Closed and boarded up for years, this McDonalds is now a world class tourist destination that operates in the original tradition with an adjacent patio and museum/gift shop filled with McDonalds memorabilia.

As Chair Emeritus of the Los Angeles Conservancy's Modern Committee, I initiated the successful landmarking of the Capitol Records Tower in Hollywood and worked with the City of Los Angeles to create an Historic Preservation Overlay Zone for over one hundred homes built in 1963-64. I also worked with a Bay Area group to nominate two mid-century modern subdivisions in Palo Alto to the National Register of Historic Places. I have also co-authored a number of books, Southern California Eats, Modern Tract Homes of Los Angeles and Southern California Out and About.

I urge you to join other progressive cities by preserving Oakland's own extraordinary example of California Coffee Shop Modern/Googie architecture. If we don't have the foresight to preserve our historic landmarks today, there will be no landmarks for future generations to enjoy.

Sincerely,

Adriene Biondo

#### The Infeasibility of Relocating Biff's

This is from two experts, one the architect who produced the working drawings for Biff's, Victor Newlove and another architect, Mark Marcinik, who is experienced with architecture from the era and explains very clearly why it cannot be moved.

Moving the structure is waste of time. You are not saving anything. The codes are so changed that the structure is a redo along with the mechanical, electrical and plumbing. Keeping the structure in the same place is another matter at least you are Grandfathered in for the structure, planning etc. and you could augment the existing framing. The restrooms are a complete redo as well as other elements in the building. Like I said before we did a very similar project for Norms a few years ago on Azuza Blvd off the 10 freeway and the building was circular. Either keep the building where it is or build it new with a complete new set of architectural and engineering drawings saving nothing of the original building except the basic circular concept. Victor Newlove AIA

## On Sun, Oct 25, 2015 at 8:56 PM, M110 ARCHITECTURE < m110architect@gmail.com > wrote:

Having moved, relocated and lifted numerous buildings in my career I can speak from experience that a split-level, slab-on-grade and hybrid structure such as Biff's can not be feasibly moved. I have argued this point many times and even with technically trained folks but unlike western framed or balloon framed buildings, slab-on-grade structures are fully supported on terra firma. There is no practical temporary replacement for the support of mother earth. I crawled into the nearly inaccessible areas of the building when we toured the building to verify the structural system. The building can not be moved.

The slab-on-grade construction is one of the unique aspects of this Mid-Century Marvel. Prior to Frank Lloyd Wright's 1930's experimental Usonian houses small buildings were built over basements or crawl spaces and were of post and beam, balloon wood frame or load bearing masonry construction. With Wrights introduction of the radiantly heated concrete "mat" the basement was eliminated and a new oneness was created between the inside and the outside and the building's floor and mother earth. Prior to

the Usonian house the intimacy between humans and the earth was suspect. It was believed that contact with the ground was unhealthy because sinister "humors" would enter the body.

We can see features of Biff's in Frank Lloyd Wright's 1946 Jacobs II- Solar hemi-cyclic house where Wright takes in one step further and not only sits the concrete slab house on the ground but then into the ground as well. Wright would design other berm type structures.

In a case study of the Pope-Leighy house (1941) where a slab on grade Usonian was "moved" it needs to be stated that the house was not lifted from one site to another. The house was partially disassembled and rebuilt at another location. The house that now is located on the Woodlawn plantation is not the house that was built in 1941 but a replica. Replicas such as this are almost immorally expensive and their authenticity certainly questionable. MJM

#### M 110 ARCHITECTURE

M A R K J M A R C I N I K 110 College Avenue San Francisco CA 94112 415.334.7670

# **Comparison of Specific Plan's Proposal and Developer's Proposal for Site**

The Specific Plan seemed to assume that Biff's would not generate a reasonable economic return and could be removed, but they did not visualize every square inch of this island-like site being crammed with housing necessitating it having a large percentage of apartments looking into a hole.

They did not visualize at this hinge point between Valdez and Broadway a monster building with a jarring façade. The wish for this Retail Priority site was for a nicely designed building totally retail and offices that would not overwhelm its neighbors.

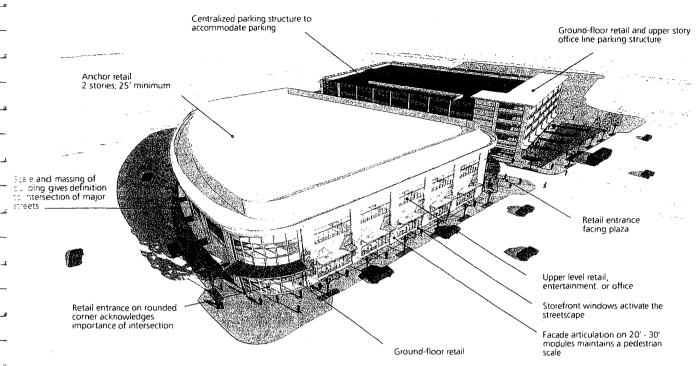


FIGURE 5.12: ILLUSTRATIVE CONCEPT - ANCHOR RETAIL OPPORTUNITY AREA

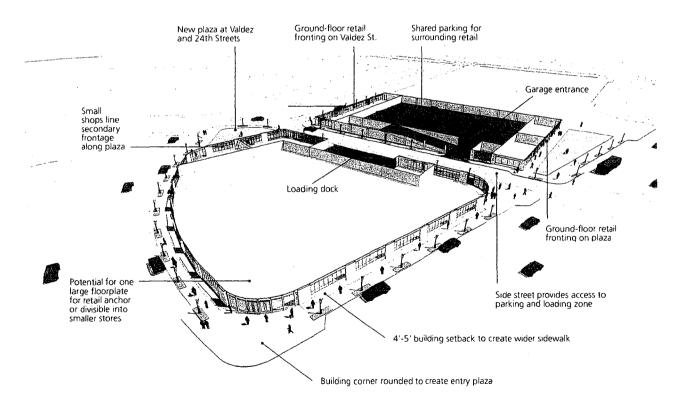
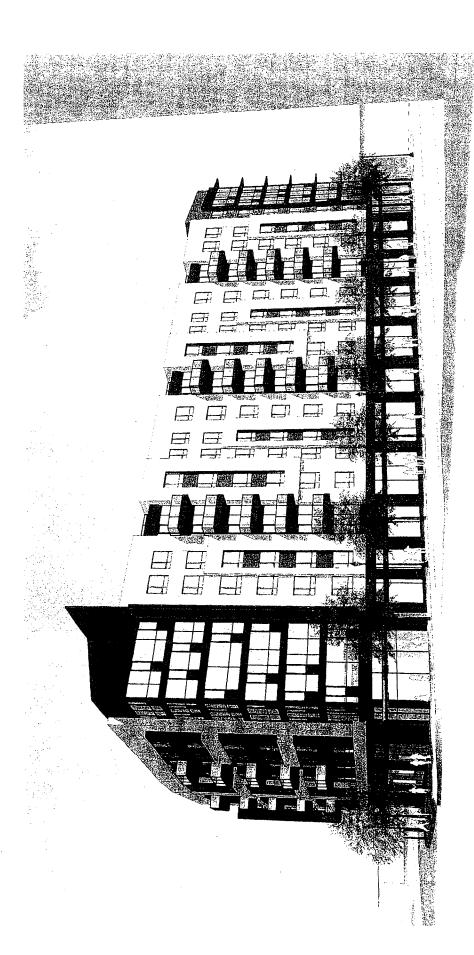


FIGURE 5.13: ILLUSTRATIVE CONCEPT - ANCHOR RETAIL OPPORTUNITY AREA (GROUND LEVEL CUTAWAY)

Note: This concept illustrates one approach to accommodating a large floorplate retail anchor on the Retail Priority Site designated in the Valdez Triangle. It is for illustrative purposes only and in no way restricts the landowner's use of their property, or represents their intentions.





3D VILW - RROADMAY



January 19, 2016

December 9, 2015 Oakland Planning Commission Pete Vollmann

Dear Commissioners and Staff,

Please do not approve the Hanover project at 27th and Broadway until further study is made of the possibility of reusing Biff's either in situ, or relocated nearby, by shifting it to the east.

#### FINDINGS CANNOT BE MADE

Oakland Heritage Alliance believes that the planning commission ought not and cannot honestly find that the Hanover project design is "equal to or better than" the B+-rated historic resource Biff's restaurant building—notwithstanding the damage caused by its longtime owner's attempted demolition by neglect.

The city's Broadway Valdez plan may have given this building short shrift, but it is wrongheaded to ignore a building which could contribute to a sense of place for Oakland. To quote the Broadway Valdez Specific Plan: "In an effort to maintain an authentic local character, the Plan promotes the integration of high-quality new buildings with renovated and repurposed historic buildings. In this way, the Triangle will continue to be perceived as an authentic Oakland 'place'—not a generic shopping center that could be anywhere."

While the staff has listed some plan goals which are met by the Hanover proposal, they have avoided listing goals and standards which are *not* met. We have attached some citations from the specific plan at the end of this letter. The city has not lived up to the specific plan in this instance, and has not given sufficient incentive and support to the developer in the service of preserving an important and reusable historic resource. Ill effects include: the loss of a significant resource, rewarding a landowner for attempted demolition by neglect, and the loss of a reusable architectural feature which might draw attention and economic activity to the project.

### PLEASE TAKE A STEP BACK, POSTPONE VOTING ON THIS PROPOSAL, AND RECONSIDER ALTERNATIVES

The proposed design for a small plaza at the east corner of the site is not compelling. If the city of Oakland, its staff and the developer would use their creativity and take our midcentury legacy seriously, we could find a win-win solution. Provide Hanover with additional square footage at the proposed site, taking space out of the unnecessarily wide and confusing intersection, and provide for building around Biff's or shifting to a new foundation, and reconstructing it with reused roof structure and other materials. We once again request that alternatives be studied with openness to the opportunities presented. This awkward intersection cries out for a redesign in any case.

#### MITIGATION SHOULD BE FAR STRONGER IF DEMOLITION IS CONTEMPLATED

We believe that much stronger mitigation must be provided should the project go forward in its present form.

At least three of Oakland's midcentury retail properties with a Googie style are currently threatened with demolition (among others: the Kwik-Way building on Lakeview, the former Dave's Coffee Shop, and the hamburger drive-in at 21st and Telegraph). Of these, Biff's is the largest, was designed by the most prominent architecture firm, and played a large role in Oakland social life for decades. Will Oakland wipe out a whole genre of buildings without any serious consideration?

The facade improvement mitigations proposed are too low. At the very least, there has been about 14% inflation since the formula used was originally put into use. Obviously, as time goes on the mitigation formula provides less and less real improvement through the program, as the significance of the dollar amount shrinks.

There is space for a complete Hanover project alongside a moved or reconstructed Biff's. We have reviewed Leal Charonnat's sketch models, and agree that there are design possibilities that remain unexplored.

#### **DESIGN IS UNDISTINGUISHED**

We would like to comment upon the design that the proposed "blade" element does not reflect any contextual building style that we can identify. The recurring suggestion that designers should put large vertical members on new structures does not necessarily improve the designs; nor does it relate to the architectural periods surrounding this site. This protrusion does not fundamentally improve the project. This vertical ornament unwisely competes with the elegant steeple across the street at First Presbyterian. The Hanover building should be deferential to the church, not compete with it. No "gateway" is needed at this location. It is Broadway, a natural entry into the core of the city. Overall, the design does not meet the BV Plan's standards.

#### PLEASE DO NOT APPROVE THIS PROJECT

Please do require a serious study of alternatives that preserve the historic resource and will provide the square footage that the developer wants to build. Please do not approve this project as it is currently configured.

The City of Oakland should assist by reviewing its dysfunctional intersection, modifying the BV plan requirements, and considering providing extra space. What we agree can surely be sacrificed is redundant roadway.

Thank you for your consideration.

alism Tenlary

Sincerely,

Alison Finlay President

#### Excerpts from the Broadway Valdez Specific Plan, bold highlights added:

#### page 4:

#### 1.1.1 PLANNING GOALS

The Plan seeks to articulate and implement a long-range vision for the revitalization of the Broadway Valdez District by establishing a broad set of goals and policies that address all aspects of the Plan Area's life, including its physical, functional, social, and economic character. These goals and policies, which are presented in the following chapters, have been informed by a series of themes or concepts that were consistently raised during the planning process. The following is an overview of the goals that have guided the recommendations set forth in this Plan (see Chapter 3: Vision and Goals for a more detailed discussion):

- An attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
- A "complete" mixed-use neighborhood that is economically and socially sustainable—providing quality jobs, diverse housing opportunities, and a complementary mix of neighborhood-serving retail, dining, entertainment and medical uses;
- New uses and development that enhance the Plan Area's social and economic vitality by building upon the area's **existing strengths** and successes, and revitalizing and redeveloping underutilized areas;
- · A compact neighborhood that is well-served by an enhanced and efficient transit system;
- Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district; . . . .

#### Page 49

TABLE 2.1: BROADWAY VALDEZ CEQA HISTORIC RESOURCES

- 1 2355 Broadway 1913-14 Packard & Maxwell- Don Lee-Western Auto Building
- 2 2401 Broadway 1913-14 Pacific Kissel Kar Salesroom and Garage
- 3 2601-19 Broadway 1913-14 First Presbyterian Church
- 4 2740 Broadway 1929 Pacific Nash Co. Auto Sales and Garage
- 5 2801-25 Broadway 1916 Arnstein-Field & Lee Star Showroom
- 6 2863-69 Broadway 1892 Queen Anne-style Apartment Building
- 7 2946-64 Broadway 1930 Firestone Tire & Rubber Service Station
- 8 3074 Broadway 1917 Grandjean Burman (C.) GM Co Alzina Garage
- 9 3330-60 Broadway 1917 Eisenback (Leo) Strough (Val) Showroom
- 10 3093 Broadway 1947 Connell GMC Pontiac Cadillac
- 11 2332 Harrison Street 1925-26 YWCA Blue Triangle Club
- 12 2333 Harrison Street 1915-18 Seventh Church of Christ, Scientist
- 13 2346 Valdez Street 1909-10 Newsom Apartments
- 14 2735 Webster Street 1924 Howard Automobile-Dahl Chevrolet Showroom

#### 15 315 27th Street 1964 Biff's Coffee Shop

- 16 2335 Broadway 1920 Dinsmore Brothers Auto Accessories Building
- 17 2343 Broadway 1924-25 Kiel (Arthur) Auto Showroom
- 18 2345 Broadway 1920 J.E. French Dodge Showroom
- 19 2366-2398 Valley Street 1936 Art Deco Warehouse
- 20 440-448 23rd Street 1919 Elliot (C.T.) Shop Valley Auto Garage

Page 67

AN "AUTHENTIC" OAKLAND PLACE

Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives retail and mixed use district.

page 80

Policy CD-3.16

New development will be encouraged to protect and reuse many of the area's distinctive historic buildings.

PP 70-71

LAND USE

.... GOAL LU-11: Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district.

Page 73

**IMPLEMENTATION** 

GOAL IMP-4: A policy and funding strategy that facilitates the development of housing in the planning area that is affordable to a cross-section of the community.

GOAL IMP-5: A combination of incentives, regulation, preserve and re-use historic resources in the Plan Area.

Page 75

Policy LU-8.7

The Triangle will establish an identity as a unique, Oakland shopping district by integrating new high-quality buildings with attractively renovated and re-purposed historic buildings.

Page 77

Policy LU-10.7

Establish development regulations that implement recommended height zones while being responsive to surrounding context by providing appropriate transitions between buildings of diff erent scales, maintaining a consistent scale at street frontages, and **respecting historic buildings** and public open spaces.

Page 80

Policy CD-3.16

New development will be encouraged to protect and reuse many of the area's distinctive historic buildings.

Page 87

Policy IMP-5.1

The City will pursue developing a package of incentives that will **encourage landowners and developers to renovate and/or adaptively reuse historic buildings,** especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- · Facade Improvement Grants;
- · Facade Easements;

- · Transfer of Development Rights (TDR);
- · Extension of the California State Historical Building Code (SHBC);
- Reduced Fees and Expedited Development Review;
- · Federal Historic Tax Credits;
- Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program);
- · Mills Act (Property Tax Abatements); and
- · Relief from Code Requirements.

#### Page 106

Policy LU-8.7

The Triangle will establish an identity as a unique, Oakland shopping district by integrating new high quality buildings with attractively renovated and re-purposed historic buildings.

To be successful, the Triangle must create a strong retail identity and presence that can establish the area as an attractive and competitive destination within the region. In order to strengthen the area's retail identity and create a vibrant retail environment, the Triangle area will feature street-oriented retail in an attractive pedestrian oriented environment that includes active sidewalks and safe and attractive public spaces. Designated areas within the core of the Triangle will be required to have active, street-fronting retail and complementary dining and entertainment on the ground-level. In addition to promoting a strong component of local, non-chain retailers, the intent is that the Triangle will maintain an identity as a unique shopping district with an authentic Oakland character. In an effort to maintain an authentic local character, the Plan promotes the integration of high-quality new buildings with renovated and repurposed historic buildings. In this way, the Triangle will continue to be perceived as an authentic Oakland "place"—not a generic shopping center that could be anywhere.

#### Page 117

• Historic Preservation: The Plan Area's historic resources can be a key element in creating a unique identity and sense of place for the area. In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order to build a residential project. A CEQA Historic Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential. The reuse of the Plan Area's garages, showrooms and other older buildings can contribute to the authentic character and architectural richness of neighborhood, as well as minimizing energy and resources expended on their demolition and replacement. Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource will not be required to provide new parking or open space to convert from a commercial to residential use or vice versa. Also, if a PDHP or a CEQA Historic Resource is incorporated as part of a larger project the area that is incorporated will be exempt from parking and open space requirements.

#### Page 119

#### 4.4.8 HISTORIC RESOURCES AND PRESERVATION STRATEGIES

GOAL LU-11: Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district.

#### Page 125

• A visually and aesthetically distinctive identity that integrates the area's historic buildings with quality contemporary design to maintain a link to the area's social, cultural and commercial heritage; and

#### Page 126

#### 5.2.2 VALDEZ TRIANGLE DESIGN CONCEPT

The Valdez Triangle is envisioned as a vibrant pedestrian oriented shopping district that will be a retail destination for Oakland residents and the broader East Bay. In order to successfully attract shoppers, residents, and workers to the area, the Triangle's design must not only be accommodating, but memorable. The Plan calls for destination retail and a mix of complementary supporting uses, including housing, with attractively designed and generously proportioned sidewalks, plazas and public spaces, animated by active storefronts, in a mix of restored and reused historic buildings and new contemporary architecture.

#### Page 153

· A Mix of Old and New: In addition to distinctive new architecture, the Plan promotes the adaptive re-use and re-purposing the existing inventory of historic buildings to maintain a connection to the area's past and contribute to a rich and varied architectural vocabulary. The creative and sensitive integration of old and new will enrich the Plan Area's identity and contribute to a sense of authenticity that is too often missing in retail districts.

#### Page 162

#### 5.4.4 HISTORIC PRESERVATION AND ADAPTIVE REUSE

The preservation and adaptive reuse of the Plan Area's inventory of historic and older buildings is an important strategy for preserving a distinctive identity that has its roots in the area's history.

#### **VALDEZ TRIANGLE**

Policy CD-3.16

New development will be encouraged to protect and re-use many of the area's distinctive historic buildings.

The Triangle has a quite diverse collection of older buildings, some that are designated historic resources, some that contribute to a designated ASI, and some that have distinctive character but do not qualify as historic or contributing resources. These buildings include churches, small multifamily buildings, Victorian and bungalow style residential buildings, and automotive garages and showrooms. In addition to designated resources (Figure 2.7), the Triangle also includes two Adaptive Reuse Priority Areas, one along 24th Street and the other along Harrison Street.

The urban design strategy in the Triangle will be a balancing act that promotes the protection and reuse of many of the area's historic building resources, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle.

The precedent photos on the facing page illustrate a number of diff erent examples of how to adapt and reuse older buildings for new uses. Figures 5.14-5.17 illustrate two fundamental approaches to adaptive reuse, using the existing garage at 24th and Webster streets as an example. The first approach works primarily with the existing structure with a focus on restoring historic character and details and making modest changes to accommodate proposed uses (e.g., replacing garage doors with pedestrian entries, removing signage to expose original windows, etc.). The second approach incorporates the first, but also explores how to add onto the existing building by developing vertically to expand the range of uses and site capacity.

#### Page 265

#### 8.5 HISTORIC PRESERVATION IMPLEMENTATION STRATEGY

GOAL IMP-5: A combination of incentives, regulation, and funding assistance to incentivize developers topreserve and re-use historic resources in the Plan Area.

#### 8.5.1 HISTORIC PRESERVATION OBJECTIVE

To explore and adopt preservation funding sources, incentives, and/or strategies to promote preservation and adaptive reuse in the Plan Area. Historic preservation and adaptive reuse are encouraged, and involve issues different from new development. Implementation of incentives, strategies and regulations should enhance economic feasibility for preservation and avoid unnecessary regulatory procedures in order to encourage property owners to initiate preservation activities.

### 8.5.2 POTENTIAL FUNDING SOURCES, INCENTIVES AND STRATEGIES Policy IMP-5.1

The city will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- Facade Improvement Grants:
- Facade Easements:
- Transfer of Development Rights (TDR);
- Extension of the California State Historical Building Code (SHBC);
- Reduced Fees and Expedited Development Review;
- Federal Historic Tax Credits;
- Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program);
- Mills Act (Property Tax Abatements); and
- Relief from Code Requirements.

Historic preservation and adaptive reuse projects can involve issues different from new development. While City resources are limited, the City should explore incentives to promote preservation and adaptive reuse in the Plan Area. The following represent some programs and strategies that will be pursued:

#### **FACADE IMPROVEMENT GRANTS**

The City will pursue reestablishment of a Facade Improvement Grant Program to encourage the reuse of eligible buildings specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail). Grants could be awarded on a 'dollar for dollar' basis for qualifying physical investments that improve the physical appearance of the facade and retain architectural features.

#### Page 266

#### **FACADE EASEMENTS**

The City will pursue establishment of a Facade Easement Program to encourage the preservation of building facades in perpetuity. A special façade easement program, to be overseen by the City, could be established for the planning area to recognize facades of significance particular to the Area. Applicants would have to demonstrate through architectural drawings that their proposed development would preserve distinctive features of the building.

#### TRANSFER OF DEVELOPMENT RIGHTS (TDR)

The City will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area. This would allow for the transfer of unused development rights from eligible properties within the Adaptive Reuse Priority areas to elsewhere in the Plan Area vicinity. Applicants would have to demonstrate through architectural drawings that their proposed reuse development preserves distinctive features of the building.

#### **EXTENSION OF THE CALIFORNIA STATE HISTORICAL BUILDING CODE (CHBC)**

The California State Historical Building Code (CHBC) is intended to help save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and

adaptively reusing historic or otherwise eligible buildings. The CHBC provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a "qualified historical building or structure" (Health and Safety Code, Division 13, Part 2.7, Sections 18950-18961). The local jurisdiction has jurisdiction over the enforcement of the Code. Currently, Local Register properties in Oakland qualify for the CHBC. Regulations within the CHBC could be extended to all other identified historic structures in the Plan Area in order to provide guidance in quality adaptive reuse of buildings.

#### REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

The City will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

#### **DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS**

Eligible properties could be granted relief from potentially financially burdensome requirements as required in the Oakland development code. These might include parking, open space, and impact fees. The City will pursue development incentives which could include, but not be limited to, flexibility in development standards, and height and density bonuses.

#### **MILLS ACT (PROPERTY TAX ABATEMENTS)**

The City should continue to promote its Mills Act property tax abatements in exchange for property owners agreeing to repair and maintain the historic character of their property. The Mills Act is a contractual agreement between property owners and the City to receive reduced property taxes.

#### C12

2.3.1 BUILDING MASSING AND SCALE It is important that future buildings are designed so that their scale and massing does not overwhelm the public realm and make it unattractive or inhospitable. Large buildings can be attractive and dramatic, yet still preserve a pedestrian scale at street level. They do not have to be monolithic or imposing. There are many design techniques for adding visual interest and mitigating a building's apparent bulk and scale. The following guidelines seek to ensure integration of new buildings into the existing character of the area, while allowing for more intense development and taller buildings. New buildings and additions should reinforce the historic pattern with setbacks and upper-level step-backs oriented to the many existing low to mid-rise buildings.

#### 2.3.12 HISTORIC RESOURCES

The Plan Area's inventory of buildings that were developed in the late 19th and early 20th century is an important resource that contributes to the area's historic character and distinctiveness. The vision for the Plan Area is to preserve and integrate this inventory of historic buildings with new development to create an urban environment that addresses the needs of the present while maintaining a tangible link to the area's past. New buildings should be sensitive to the historic scale and character of the existing buildings.

DG 119. Complement to Historic Resources. New buildings developed within historic districts or adjacent to historic buildings should seek to complement the existing historic and architectural character of the area, while also seeking to be recognized as products of their own time. Consider how the style, massing, rhythm, setbacks and material of new development may affect the character of adjacent resources. Reinterpret character elements to complement historic resources, without replicating.

DG 122. Complement and Reinforce Architectural Details. The architectural details of new buildings within historic districts or adjacent to historic buildings should relate to existing buildings. Such details may include lintels, cornices, arches, masonry patterns, and interior trusses. Since there is such a large variety of styles and details within the historic districts in the Plan Area, new development must specifically consider adjacent properties.

DG 123. Building Form. The form and shape of new buildings within historic districts or adjacent to historic buildings should be compatible with existing resources. The degree to which a new building is simple or complex in form and shape should be determined by the architectural character of the area. Given the prevalence of automobile-related garages and showrooms with fairly simple forms, new buildings should generally reflect that simplicity. However, even when adjacent to buildings with more complex forms (e.g. Queen Anne and other Victorian styles), the preferred design approach should be for new buildings to defer to existing structures rather than trying to compete in terms of formal complexity.

DG 124. Adaptive Reuse. Retain and integrate historic and architecturally significant structures into larger projects with adaptive reuse. The following guidelines address the distinguishing architectural characteristics that should be responded to in the Plan Area's Area of Primary Importance (API) and Areas of Secondary Importance (ASI).

When adapting or altering historic resources, the following is recommended:

- Working within the existing building envelope is recommended. Where additions are desired, they
  should generally be located on a secondary or rear facade. Or, if they are rooftop additions, they
  should be set back from the primary facade and should not interfere with the building's roofl ine.
- Follow the Secretary of the Interior's Standards for Rehabilitation when adapting and altering historic resources.
- Retain and repair historic materials or covering historic architectural details with cladding, awnings, or signage.
- Identify, retain, and preserve architectural materials and features that are important in identifying historic character.
- Use historic photos, when available, to inform rehabilitation.
- Use materials and colors that complement the historic character of the property.
- Consider consultation with a preservation architect to ensure renovations are compatible.
- Consult with City's historic preservation staff.



January 20, 2016

Oakland Planning Commission Pete Vollmann

Dear Commissioners and Staff,

Please do not certify the addendum to the Broadway Valdez EIR. The analysis of cultural resources is insufficient, inadequate, and comes to wrong conclusions. Here are specific comments to the CEQA Analysis:

The previous EIR was certified over our objections, and seemed to take special care to avoid proper care with the historic midcentury building that housed Biff's.

- 1. We object to the assumption that Mitigation Measure CUL-1a cannot be invoked to spare the building. (CEQA Analysis, page 27)
- 2. We note a misspelling at page 28 of CEQA Analysis. While we find that Recordation is a valuable thing in itself, it is inadequate to mitigate the damage, as stated at top of page 29..
- 3. Any "Public Interpretation" should make use of authentic materials from the actual structure, not mere plaques, displays, and signage. Please consider retaining some elements for such reuse. Authentic remnants would be better than plaques. (page 28 of CEQA Analysis)
- 4. Financial contributions (page 29 of CEQA Analysis) should be adjusted upward, and at least allow for the 14% or so inflation since the estimating formulae were created.
- 5. We disagree with the assumption that CUL-5/CUL-1 are necessarily infeasible (Page 29, CEQA analysis). We believe the reports have been prejudiced to create infeasibility and are not entirely objective. We believe that an on-site relocation would still leave room for the entire Hanover program and still preserve the key elements of the structure.
- 6. At SCA-CUL-3 we believe that indeed a distant site for relocation is infeasible. This mitigation should be rewritten to show an effort at on-site relocation. We reject this condition of approval is useless and not worth the investment. Better to take any funds that would be so expended and add them to other mitigation measures.
- 7. At SCA Mitigation Measure CUL-1, we reject the infeasibility argument for relocation onsite (p. A-11)
- 8. At Mitigation Measure CUL-1 (c) another typo. Again, public interpretation should make use of authentic materials from the resource itself, not plaques.
- 9. At Mitigation Measure CUL-1 (d), we would like the amount of any financial contribution to be revisited. Consider whether such contribution could be directed to be used to preserve other midcentury retail structures or facades in Oakland. (For example, the facade of the KwikWay on Lake Park, the hamburger stand at 21st and Telegraph, or Dave's Coffee Shop, all buildings which are from the same approximate era.) (Page A-13)
- 10. We question the conclusions in the Historical Mitigation Compliance at page 2, Options 1-3. Although a developer may be inflexible in design and planning, this is not enough reason to give up on a cultural resource. The proposed design is not superior; therefore, the options should be much more seriously considered, and on-site relocation should be seriously looked at.

## There is a chance of reopening of historic restaurant

By Joyce Roy

Biff's, the empty flying saucer diner at Broadway and 27th Street in Oakland, now has a chance to be restored to the full-service restaurant it once was before Chevron forced the closure of this popular diner, then called JJ's, in 1996.

Chevron wanted to replace it with a McChevron, combination McDonald's/gas station. The community was so outraged that residents succeeded in obtaining its designation as a historic resource. A couple years later Chevron gave up fighting the public, threw up its hands and

sold the property.

More than a year ago, some developers expressed interest in building housing and retail on the Broadway site since an experienced restaurant operator is eager to restore and operate Biff's. The historic diner would then be an asset rather an encumbrance

Biff's location is ideal for a restaurant with other restaurants nearby — restaurants seem to attract restaurants. But Biff's would be the only family restaurant where one could get a full breakfast or a 2 a.m. bite with friends studying for an exam.

for developers. Now there is more Las Vegas. serious interest in the site. Biff's location is ideal for a

The name of that operator is, I kid you not, "Biff" Naylor. And that is not by chance. He was born in Oakland where his father had his first restaurant, Tiny's Waffle Shop. Later when the family moved to Los Angeles, he named his new restaurant Biff's. It was one of the first restaurants in the space-age style known as "Googie." Biff now owns the Du-par's restaurants, four in Southern California and one in

restaurant with other restaurants nearby - restaurants seem to attract restaurants. But Biff's would be the only family restaurant where one could get a full breakfast or a 2 a.m. bite with friends studying for an exam. It is the kind of 24/7 restaurant that neighborhoods are built around. It even has a separate dining room that was often used by organizations for meetings.

The many millennials in the

neighborhood love this space-age architecture. It was designed by a firm, Armet & Davis, famous for its space-age coffee shops, mostly in Los Angeles where many have been reborn and rejuvenated their neighborhoods

The free Broadway Shuttle makes this site easily accessible all the way from Jack London because it is the evening northern terminus, 7 to 10 p.m. Mondays through Thursdays, 7 p.m. to 1 a.m. Fridays, 6 p.m. to 1 a.m. Saturdays, and runs every 12 minutes. With new housing, retail and a revived Biff's, there could be enough demand for it to be the north terminus for every run

Besides being of local interest Biff's was a regional draw, as the 8,000 or so signatures protesting its closure testified to. With its restoration, it would be eligible for a Historic Point of Interest on the freeway.

The goal of new zoning for the Broadway/Valdez area is to encourage retail, so for a hous-ing bonus each site is required to have a minimum retail footprint.

And restoration of historic resources for retail is encouraged by doubling its footprint, which in Biff's case would be 12,400 square feet. The total required on this site would be 22,745 square feet, therefore only 10,400 square feet

more would be needed.

The press coverage of a re-born Biff's will mean the developer will not need to budget for publicity for the retail/housing on

Broadway. For all of this to happen will depend on the developer and Biff coming to some arrangement agreeable to both of them. I think it could be profitable for both and be a great asset for Oakland.

Joyce Roy is a retired architect and Oakland resident

## Guest commentary: There's no reason why Biff's should be demolished

By Joyce Roy Guest commentary POSTED: 10/15/2015 12:32:04 PM

At an Aug. 27 San Francisco Planning and Urban Research meeting, Oakland City Administrator Sabrina Landreth repeatedly and emphatically declared to a packed audience, "Oakland no longer has an inferiority complex!"

That evening, I attended a meeting with The Hanover Co., a developer from Texas that apparently had not gotten the memo. The company wanted to demolish a unique Oakland resource so valued by the community that they prevented the largest corporation in California, Chevron, from destroying it in 1996 -- Biff's, the round diner at 27th and Broadway.

On Oct. 12, the Landmarks Board also proved it had not received the memo. The board approved Biff's demolition even though the developer could not prove two conditions needed to permit demolition of a historic resource.

First, that "the existing property has no reasonable use or cannot generate a reasonable economic return." A very successful operator with similar 24/7 restaurants, under the name of Du-Par's, is eager to operate a restored Biff's. He was born in Oakland, and the son of Biff's first operator, who named it after him. Biff Naylor met with the developer and told him he would pay \$20,000 a month to lease Biff's. Its restoration, which is a glorified tenant improvement, since primarily just the interior needs the work, would be about \$1.5 million, according to the original architect, Victor Newlove.

The second was that the design of the new project be equal or superior to the historic resource. The board did admit that it was not, but thought it would improve after design review. Its seven-story facade is a hodgepodge. This massive warehouse for people fills the whole site with its doughnut floor plan, meaning about 40 percent of the 254 market-rate apartments' only view will be into their neighbors' windows. Many accept this in New York City, but will they in Oakland?

Hanover could have restored Biff's if the housing was in a higher building on the Broadway half of the site with everyone having a good view. That would require concrete construction such as they have used to build housing in other cities. But, apparently, wood frame construction is good enough for Oakland.

We wouldn't be having this conversation if this were Los Angeles. They have a very active preservation community, which recognizes the value of the '50s coffee shops, both monetarily and socially. The city even forced a developer to restore one he had partially demolished (illegally). It has become a thriving business, energizing its neighborhood. L.A. does not have an inferiority complex.

But I can end on a positive note. Naylor is so eager to have a Biff's Diner in Oakland that he has a Plan B -- build it anew at another site in the neighborhood, one that would be within walking distance of senior housing and on the shuttle's route so office workers can come for lunch and shopping.

Construction would be about \$2.5 million. Perhaps a car dealer may be interested in leasing land. The annual gross receipts of \$3 million would produce revenue to the city of about \$50,000. And 60 to 65 people will have a good job.

Joyce Roy is a retired architect and Oakland resident.

THIS TURNED DUTTO BE INFERSIBLE

## Guest commentary: Must pack planning commission chamber, if Biff's is to be saved

By Joyce Roy, Oakland Tribune My Word © 2016 Bay Area News Group POSTED: 01/19/2016 01:10:22 PM PST0 COMMENTS UPDATED: 10 DAYS AGO

Oakland Mayor Libby Schaaf, in her State of the City address, claimed she is aware of our fears "that today's dramatic changes could whitewash our rich cultural heritage."

Our fears are justified. One of the many hues of our rich cultural heritage is about to be whitewashed, if we do not stop it. A project that would do that is on the Jan. 20 Planning Commission agenda.

A developer from Texas, Hanover Co., is proposing a mixed-use project at 27th and Broadway on Biff's site. Instead of limiting it to the Broadway portion, which can accommodate 180 affordable market-rate micro units, and restoring Biff's, they want to whitewash Biff's and cram the whole site with 255 unaffordable units; average rent: \$3,000 a month.

Restoring Biff's would be profitable for the developer. A very successful restaurant operator from Los Angeles is eager to operate it. As he told the developer when he flew up in June, he would lease it for \$20,000 a month and, "you can take that to the bank."

His name is 'Biff' Naylor. Yes. He was born in Oakland, and his father named his first coffee shop in LA, Biff's, after him. He operates five similar full-service, 24/7 restaurants under the name of Du-Pars.

If this historic resource is wiped off, Oakland would not only lose a cultural and social ingredient in its special sauce, but an economic one. Biff claims that the diner will need 60 to 65 employees and have gross annual sales of \$3 million with annual revenue to the city of \$50,000. The restoration would cost about the same as four units, \$1.5 million (\$2 million for construction less \$500,000 in various historic tax credits).

From: Joyce Roy joyceroy@earthlink.net

Subject: Biff's and the SF Chronicle Date: January 20, 2016 at 1:07 PM

To: Chris Pattillo Pattillo@PGAdesign.com, Jahaziel Bonilla jahazielbonillaoaklandpc@gmail.com, Jim Moore jmoore.ocpc@gmail.com, Adhi Nagraj nagrajplanning@gmail.com, Amanda Monchamp amandamonchamp@gmail.com,

Jahmese Myres jmyres.oakplanningcommission@gmail.com, Emily Weinstein EW.Oakland@gmail.com

Cc: Pete Vollmann pvollman@oaklandnet.com Bcc: Leal Charonnat lealcharonnat@gmail.com

#### To the Planning Commission:

On Jan. 13, 2014, Carolyn Jones wrote a, you might say, affectionate article on Biff's. She had gone there often when she was studying at UC Berkeley. It did say it would be "a tall order" to revive it. But Biff Naylor only came on the scene after that article, in fact, because of that article. There were 80 comments, about which 95% of which also, expressed affection.

http://www.sfgate.com/default/article/Restoring-Oakland-s-Biff-s-diner-may-be-tall-order-5139797.php

This past Tuesday, Jan. 12, 2016, a reporter, Rachel Swann, who had never eaten there and only knew it for its brown shingles and plywood covered windows, wrote what I'd call, a hit piece. She had interviewed both Biff Naylor and Victor Newlove but made no mention of a proposal to restore it as an operating restaurant.

http://www.sfchronicle.com/bayarea/article/Old-Biff-s-Coffee-Shop-doesn-t-fit-6751783.php

Unfortunately, if you are not a SF Chronicle subscriber, you may not be able to access these articles easily.

Joyce Roy 510-655-7508

#### **Further Conditions of Appeal**

The Planning Commission (PC) incorrectly used the present (poor) condition of the building as an excuse to approve a project that requires the demolition of the historic Biff's Coffee Shop.

Demolition by neglect - the staff report and Planning Commission completely ignored the fact the existing condition of the building is done on purpose by the property owner. This was brought up in both oral and written testimony.

The Planning Commission discussion focused on the fact the building present condition - vacant, unused, etc. - as reason d'être to not consider a project that includes a restored Biff's Coffee Shop.

Staff - and the project propoent has repeatedly - both orally and in writing - completely mischaracterized the proposed retail of the project as 'destination' retail.

It was clearly pointed out both at the Landmarks Preservation Advisory Board hearing on this project, (that by reference by staff, planning commission members discussion, and written and oral testimony) and again at the PC hearing, that the retail spaces are not appropriate or can be classified as 'destination retail.'

Staff - and by being influenced by both oral and written reports by staff, the PC board too - in its written report and in oral presentation, as well as the project proponent - completely mischaracterized the retail space adjacent to Broadway as 'destination retail space."

The staff report repeatedly referenced the Broadway-Valdez Specific Plan (BVSP) document as to why the proposed project met the goals of the BVSP - it does not.

Staff clearly knows that the BVSP was approved by the Oakland City Council with clear definitions of what constitutes spaces that are to be used for 'destination retail':

Necessary attributes for comparison goods retail development include: large sites that are located in proximity to "proven" activity generators (e.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling heights that have few supporting columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). "

Staff is well aware of the above conditions for destination retail - this description was repeated time and time again in their report to the City Council for approval of the

As pointed out in verbal testimony - the space noted by both staff and the project proponent as destination retail does not conform to the type of space that the BVSP required.

The staff report was in error by not including the requirement for destination retail space and as such misled the PC to make a decision on a project that does not meet the requirements of the BVSP.

The project as approved by the PC does not meet the basic standards that the PC said it was approving. As such, the PC approval based on faulty conclusions must be vacated.

Since the actual amount of retail space that does not meet the requirements for 'destination retail' - the actual calculation of the amount of space that can be counted toward the required amount for a residential project is also suspect.

# Planning Commission based decisions on the concept that landmark status is optional and may be dis-regarded at the whim of a planning commissioner.

The Planning Commission - in its discussion of the historic recognition of Biff's - clearly made the completely erroneous statement that not all landmarks are landmarks, specifically if a Planning Commissioners disagrees with the designation. In testimony, the 'well was poison' by such declaration - which was not countered by any testimony of any other commissioners. The commissioner who made such statement, then went on using their erroneously fabricated declaration as the reason for approving the demolition of Biff's - a landmark that they declared they did not believe was a landmark. That decision had no finding or basis in fact - "Ex nihilo" - and as such should not stand.

The Planning Commissions decision based on the faulty historical and economic reports must be vacated. The historical report is completely without merit - and needs to be tossed out.

As pointed out in both written and verbal testimony, the historical report incorrectly focuses on the condition of the interior of the Biff's Coffee Shop as the reason the building has not historical character.

As pointed out in both written and verbal testimony - the interior of the restaurant has no bearing on its historical character as defined by city of Oakland Regulations.

The PC ignored testimony that invoked the original land marking of Biff's Coffee Shop including citing the veritable date the bu9ilding. Such invocation of t

Written testimony clearly calls out the egregious error in the historical analysis of the building - a report that uses such erroneous analysis to conclude the building historical character is wholly without merit.

Both written and verbal testimony clearly called out the potential and correct cost of the rehabilitation for the reuse of the historical Biff's Coffee Shop as a restaurant.

Both the staff report and PC commissioners discussion ignored this information.



#### ARMET DAVIS NEWLOVE AIA ARCHITECTS

1330 Olympic Boulevard Santa Monica, CA 90404

Phone: 310-452-5533 • Fax: 310-450-4742

Email: Newlove@adnarch.com

January 8, 2016

Planning Commission City Hall Oakland, CA. 94612

Re: Biff's Coffee Shop

To the Planning Commission:

This letter serves to confirm that our firm, Armet Davis and Newlove Architects Inc are the successor firm to the original Architects of record on this project Armet and Davis Architects.

We believe that this building should be preserved for the following reasons:

- 1. It is an outstanding example of Mid Century Modern architecture.
- 2. That this design was unique in being designed in the round which was counter to almost all other designs of the period.
- 3. That it represents some of the finest examples of the work of Armet and Davis in regards to functional design of food establishments.

The best course of action would be renovate the existing building which would cost far less than moving the building (which is impractical) and or constructing an entire new building in the round which would be very costly.

Keeping the building in the same place and reusing as much of the original structure is justified for the following reasons:

- 1. The restaurant use is Grandfathered in for this location
- 2. The utility infrastructure is already in place.
- 3. The structure is already in place and only requires minimal upgrades to comply with current codes.
- 4. The original design drawings are available and can be repurposed for the upgrade of the existing building.
- 5. It would be easy to provide a new Food Service and seating package.

The cost estimates to renovate the current Biff's Coffee Shop would be between \$1,500,000 and \$2,000,000 and the cost to replicate this building on another site would be between \$4,000,000. to \$5,000,000.

Note that we developed a very similar building for Norms Restaurant's (in 2008) in the City of West Covina, when we converted a Steak Corral into a Norms Coffee Shop. The original building was circular and was gutted to add all new utilities, seating and food service equipment. The basic floor plan was kept but revised to meet current code standards and the program requirements of the Client.

If you have any further questions or comments you may either email or call me.

Victor Newlove AIA C5570 310-452-5533 ext. 202 Oakland Planning Commission 1 Frank H. Ogawa Plaza 2nd Floor Oakland, CA 94612

Re:

Support for The Hanover Company's project at 27th & Broadway, Oakland

Dear Planning Commissioners:

I am writing in support of The Hanover Company's residential project located at 27th Street & Broadway in Oakland. I am the Council President for Westlake Christian Terrace which has close to 500 residents. I've lived at Westlake Christian Terrace for 6 years and have been an Oakland resident for 45 years.

The Hanover Company presented their project to our Resident Council at our meeting on November 11, 2015 which allowed us to see firsthand what the project entails and discuss the development. It is clear that this project will provide much needed activity and eyes on the street in a place where we consistently see graffiti, garbage and broken glass from car windows along this property. I know there has been an effort to save Biff's, but our residents have only lived next to a blighted and vacant building for twenty years. I feel that the 255 apartments along with retail will help create a more vibrant, active and safe community for our residents. I am excited at the idea of having a new ground floor restaurant nearby that we can safely walk to, and the proposed public plaza will make it much safer to cross over the busy 27th street to access the retail and restaurants throughout Uptown. I was happy to learn that the developer is aiming for a large quality retail tenant on Broadway, and that the project provides sufficient underground parking for shoppers and residents.

I hope the Planning Commission approves the project and the demolition of the existing vacant building for these reasons. Thank you for your thoughtful consideration and approval of this project to benefit our community as a whole.

Sincerely,

Sister Marie de Porres Taylor Sister Marie de Porres Taylor Westlake Christian Terrace

251/275 28th Street

Oakland, CA 94611

later covering of the fascia with wood shingles in 1975. For additional history of Biff's Coffee Shop regarding to the property's condition, refer to the *Updated Historic Assessment of Biff's Coffee Shop* included in Appendix B.

Biff's Coffee Shop has been empty since the restaurant ceased operation in approximately 1996. Since the date of closing, the property has suffered from a combination of selective salvage and removal as well as vandalism and neglect. Restaurant fixtures and equipment that were an integral part of the building interior were sold off and removed from the property, including custom kitchen hoods, stoves and coolers as well as custom banquettes and tables in the dining room. Vandals removed almost all salvageable metal items, including electrical wiring, plumbing pipes, mechanical ductwork, and plumbing fixtures. The removal of the mechanical ductwork created roof openings that created water damage to the roofing and structural system. Additional water damage occurred at battered exterior walls, which appear to require full replacement. The location, in the City's urban core, became target for gratfiti. Subsequent overpainting to cover up the gratfiti was detrimental to the building's characterdefining materials. The glazed exterior openings are entirely covered over with protective plywood in an effort to preserve glazing. Toilet rooms and interior finishes suffer from vandalism and water damage. The character-defining terrazzo floor system was badly damaged by the removal of under-slab pipes and by the removal of the original fixtures. None of the original lighting fixtures remain. Overall, Buti's Cottee Shop still exists as a shell that is covered in plywood and overpainting. There is very little extant historic tinish material, fixtures, or equipment remaining on the building's interior or exterior.

Soundness, as defined is "an economic measure of the feasibility of repairing construction deficiencies. It compares an estimate of construction-repair cost called the upgrade cost to an estimate called the replacement cost." The proposed project does not seek to replace Biff's Coffee Shop with a similar-sized freestanding restaurant building, nor does it seek to repair any existing building deficiencies. Rather, the project applicant seeks to demolish a vacant, underutilized building in order to build a mixed-use project consisting of a seven stories with a large ground fluor retail floor plate that conforms to the BVDSP zoning and vision. Therefore, the exercise of comparing the cost of upgrading the Biff's Coffee Shop structure to its replacement cost is not necessarily appropriate for the proposed project since a similar type of building is not being proposed. The Soundness Report requires a comparison of costs in order to identify and distinguish "original construction deficiencies" from those "elements needing repair." This circumstance does not apply to Biff's Coffee Shop. In addition, a building's "unsoundness" is not a prerequisite for demolition which is contemplated under the proposed project. Although the preparation of a Soundness Report is not necessarily appropriate in this instance, a Soundness Report was prepared for informational purposes.

Table 1 provides the results of the Soundness Report, including the replacement cost, primary upgrade cost, and the secondary upgrade cost. An unsound structure is "where the primary upgrade cost construction deficiencies exceeds 50 percent of its replacement cost or the primary plus secondary."

City of Califord Scuridness Report Requirements.

According to the City of Oakland Soundness Report Requirements, primary upgrade cost is an estimate of the cost to make the cost of structure usable.

later covering of the tascia with wood shingles in 1975. For additional history of Biff's Cottee Shop regarding to the property's condition, refer to the *Updated Distory*. Assessment of Biff's Cottee Shop included in Appendix B.

Biff's Coffee Shop has been empty since the restaurant ceased operation in approximately 1996. Since the date of closing, the property has suffered from a combination of selective salvage and removal as well as vandalism and neglect. Restaurant fixtures and equipment that were an integral part of the building interior were sold off and removed from the property, including custom kitchen hoods, stoves and coolers as well as custom banquettes and tables in the diming room. Vandals removed almost all salvageable metal items, including electrical wiring, plumbing pipes, mechanical ductwork, and plumbing fixtures. The removal of the mechanical ductwork created root openings that created water damage to the roofing and structural system. Additional water damage occurred at battered exterior walls, which appear to require full replacement. The location, in the City's urban core, became target for graffit. Subsequent overpainting to cover up the graffiti was detrimental to the building's characterdefining materials. The glazed exterior openings are entirely covered over with protective plywood in an effort to preserve glazing. Toilet rooms and interior finishes suffer from vandalism and water damage. The character-defining terrazzo floor system was badly damaged by the removal of under-slab pipes and by the removal of the original fixtures. None of the original lighting fixtures remain, Overall, Biff's Coffee Shop still exists as a shell that is covered in plywood and overpainting. There is very little extant historic finish material, fixtures, or equipment remaining on the building's interior or exterior.

Soundness, as defined, is "an economic measure of the feasibility of repairing construction deficiencies. It compares an estimate of construction-repair cost called the upgrade cost to an estimate called the replacement cost." The proposed project does not seek to replace Biff's Coffee Shop with a similar-sized treestanding restaurant building, nor does it seek to repair any existing building deficiencies. Rather, the project applicant seeks to demolish a vacant, underutilized building in order to build a mixed-use project consisting of a seven stories with a large ground floor retail floor plate that conforms to the BVDSP zoning and vision. Therefore, the exercise of comparing the cost of upgrading the Biff's Coffee Shop structure to its replacement cost is not necessarily appropriate for the proposed project since a similar type of building is not being proposed. The Soundness Report requires a comparison of costs in order to identify and distinguish foriginal construction deficiencies" from those "elements needing repair." This circumstance does not apply to Biff's Coffee Shop. In addition, a building's "unsoundness" is not a prerequisite for demolition which is contemplated under the proposed project. Although the preparation of a Soundness Report is not necessarily appropriate in this instance, a Soundness Report was prepared for informational purposes.

Table 1 provides the results of the Soundness Report, including the replacement cost, primary upgrade cost, and the secondary upgrade cost. An unsound structure is "where the primary upgrade cost construction deficiencies exceeds 50 percent of its replacement cost or the primary plus secondary."

<sup>-</sup> City of Oakland Soundness Report Requirements.

According to the City or Oakland Soundness Report Requirements, primary upgrade cost is an estimate of the cost to make the
existing structure usable.



January 19, 2016

Oakland Planning Commission Pete Vollmann

Dear Commissioners and Staff,

Please do not approve the Hanover project at 27th and Broadway until further study is made of the possibility of reusing Biff's either in situ, or relocated nearby, by shifting it to the east.

#### FINDINGS CANNOT BE MADE

Oakland Heritage Alliance believes that the planning commission ought not and cannot honestly find that the Hanover project design is "equal to or better than" the B+-rated historic resource Biff's restaurant building—notwithstanding the damage caused by its longtime owner's attempted demolition by neglect.

The city's Broadway Valdez plan may have given this building short shrift, but it is wrongheaded to ignore a building which could contribute to a sense of place for Oakland. To quote the Broadway Valdez Specific Plan: "In an effort to maintain an authentic local character, the Plan promotes the integration of high-quality new buildings with renovated and repurposed historic buildings. In this way, the Triangle will continue to be perceived as an authentic Oakland 'place'—not a generic shopping center that could be anywhere."

While the staff has listed some plan goals which are met by the Hanover proposal, they have avoided listing goals and standards which are *not* met. We have attached some citations from the specific plan at the end of this letter. The city has not lived up to the specific plan in this instance, and has not given sufficient incentive and support to the developer in the service of preserving an important and reusable historic resource. Ill effects include: the loss of a significant resource, rewarding a landowner for attempted demolition by neglect, and the loss of a reusable architectural feature which might draw attention and economic activity to the project.

# PLEASE TAKE A STEP BACK, POSTPONE VOTING ON THIS PROPOSAL, AND RECONSIDER ALTERNATIVES

The proposed design for a small plaza at the east corner of the site is not compelling. If the city of Oakland, its staff and the developer would use their creativity and take our midcentury legacy seriously, we could find a win-win solution. Provide Hanover with additional square footage at the proposed site, taking space out of the unnecessarily wide and confusing intersection, and provide for building around Biff's or shifting to a new foundation, and reconstructing it with reused roof structure and other materials. We once again request that alternatives be studied with openness to the opportunities presented. This awkward intersection cries out for a redesign in any case.

#### MITIGATION SHOULD BE FAR STRONGER IF DEMOLITION IS CONTEMPLATED

We believe that much stronger mitigation must be provided should the project go forward in its present form.

At least three of Oakland's midcentury retail properties with a Googie style are currently threatened with demolition (among others: the Kwik-Way building on Lakeview, the former Dave's Coffee Shop, and the hamburger drive-in at 21st and Telegraph). Of these, Biff's is the largest, was designed by the most prominent architecture firm, and played a large role in Oakland social life for decades. Will Oakland wipe out a whole genre of buildings without any serious consideration?

The facade improvement mitigations proposed are too low. At the very least, there has been about 14% inflation since the formula used was originally put into use. Obviously, as time goes on the mitigation formula provides less and less real improvement through the program, as the significance of the dollar amount shrinks.

There is space for a complete Hanover project alongside a moved or reconstructed Biff's. We have reviewed Leal Charonnat's sketch models, and agree that there are design possibilities that remain unexplored.

#### DESIGN IS UNDISTINGUISHED

We would like to comment upon the design that the proposed "blade" element does not reflect any contextual building style that we can identify. The recurring suggestion that designers should put large vertical members on new structures does not necessarily improve the designs; nor does it relate to the architectural periods surrounding this site. This protrusion does not fundamentally improve the project. This vertical ornament unwisely competes with the elegant steeple across the street at First Presbyterian. The Hanover building should be deferential to the church, not compete with it. No "gateway" is needed at this location. It is Broadway, a natural entry into the core of the city. Overall, the design does not meet the BV Plan's standards.

#### PLEASE DO NOT APPROVE THIS PROJECT

Please do require a serious study of alternatives that preserve the historic resource and will provide the square footage that the developer wants to build. Please do not approve this project as it is currently configured.

The City of Oakland should assist by reviewing its dysfunctional intersection, modifying the BV plan requirements, and considering providing extra space. What we agree can surely be sacrificed is redundant roadway.

Thank you for your consideration.

alesm Fealing

Sincerely,

Alison Finlay President

Case File No: ZS12046, GP13268, ZT13269, RZ13270, ER12-0005

#### Affordable Housing and Displacement

Staff has received comments expressing that the Specific Plan should have more provisions requiring affordable housing and preventing displacement resulting from the redevelopment of existing residential properties in the Plan Area.

The provision of affordable housing choices is a concern and goal for the City of Oakland and must be addressed comprehensively, on a citywide basis. The Plan does not include an inclusionary housing policy for affordable housing in just the Broadway Valdez District Specific Plan Area because this would create a burden in the Plan Area relative to the rest of the City, and would effectively disincentive residential development in the Plan Area. The proposed update to the City's Housing Element includes policies to:

- Explore the feasibility of Housing Incentive Zoning whereby community benefits, such as affordable housing, would be required in exchange for additional height or density; and
- Explore implementing a housing impact fee and notes the importance of funding a nexus study to determine the feasibility of the fee, and an appropriate fee structure. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing.<sup>4</sup>

In response to comments received, the BVDSP has been revised to strengthen provisions relating to affordable housing, including the policies noted above that are proposed for the Housing Element Update. Related Planning Code amendments have been revised to include: reduced parking requirements and open space requirements "as-of-right" for senior and affordable housing; as well as the potential for an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City's Housing Element.<sup>5</sup>

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas in the City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to "proven" activity generators (c.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling heights that have few supporting

<sup>&</sup>lt;sup>4</sup> The 2015-2023 Housing Element Update was heard at the May 7, 2014 Planning Commission hearing.

<sup>&</sup>lt;sup>5</sup> CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

Case File No: ZS12046, GP13268, ZT13269, RZ13270, ER12-0005

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columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land control in the Valdez Triangle, the BVDSP identified that a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the Plan Area; development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail above). Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.

Additional detail about affordable housing and displacement is provided in Attachment F; full text of the proposed BVDSP zoning regulations is provided in Attachment E.

#### Parking

Chapter 6, Section 6.4 of the BVDSP includes 21 policies that support two overarching goals to have "a well-managed parking supply that supports Plan Area businesses and stimulates economic growth while not promoting excessive driving"; and to have incentives that encourage non-auto travel for Plan Area residents, workers, shoppers and visitors. The policy recommendations include, but are not limited to: exploring the formation of a Transportation and Parking Management Agency (TPMA) to coordinate all transportation demand management (TDM) efforts; establishing a Parking Benefits District to manage parking supply and generate revenue to increase parking supply and/or improve circulation and transportation in the Plan Area; encouraging the use of existing parking and shared parking, and other TDM measures.

As recommended by the BVDSP, new parking requirements for the Broadway Valdez District are proposed as part of changes to Planning Code Chapters 17.116 Off-Street Parking and Loading Requirements and 17.117 Bicycle Parking Requirements. These changes consist of reduced parking requirements for residential development, as well as reductions for senior housing, affordable housing, commercial development; parking is required to be unbundled for sale or rental in multifamily residential facilities of ten units or more; increased bicycle parking requirements; and the option to pay a voluntary parking in-lieu fee instead of providing code-required parking spaces. These changes are discussed in detail above on pages 6-12 of this staff report (except for the parking in-lieu fee, which is also discussed in the following section).

The BVDSP also includes a policy in Chapter 8 Implementation to: "Provide public funding assistance for comparison goods retail parking" (Policy IMP-1.12), which would only be in conjunction with the appropriate retail project. The recommended approach is to provide funding assistance for the development of parking as part of, or near to, larger-scale, retail development(s) with multiple comparison goods tenants. Particularly in the early phases, parking availability is critical for attracting retailers and shoppers. Retail parking needs to be conveniently located within or close to the retail development, and dedicated to supporting retail shopping. The area's central, urban location and the availability of public transit reduce the amount of parking otherwise needed, but do not replace the need for parking to support destination retail shopping. A public garage could be developed and operated as a

In response to comments received, the BVDSP has been revised to strengthen provisions relating to affordable housing, including the policies noted above that are proposed for the Housing Element Update. Related Planning Code amendments have been revised to include: reduced parking requirements and open space requirements "as-of-right" for senior and affordable housing; as well as the potential for an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City's Housing Element.<sup>7</sup>

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas thathe City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to "proven" activity generators (e.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling lieights that have few supporting columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land control in the Valdez Triangle, the BVDSP identified linat a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the Plan Area; development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail above). Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.

Additional detail about affordable housing and displacement is provided in *Attachment F*, *Responses 4.2 through 4.8*, *Attachment G* (pages 2 and 10), reflecting changes made to the Plan up until the May 21, 2014 Planning Commission meeting and *Attachment E* (changes made at

<sup>&</sup>lt;sup>7</sup> CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

Subject: Broadway Valdez District Specific Plan and Related Actions
Date: May 22, 2014

In response to comments received, the BVDSP has been revised to strengthen provisions relating to affordable housing, including the policies noted above that are proposed for the Housing Element Update. Related Planning Code amendments have been revised to include: reduced parking requirements and open space requirements "as-of-right" for senior and affordable housing; as well as the potential for an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

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Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City's Housing Element.<sup>7</sup>

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas thathe City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to "proven" activity generators (e.g. Whole Foods) and/or have good visibility, and spaces with high floor-to-ceiling lieights that have few supporting columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land control in the Valdez Triangle, the BVDSP identified linat a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the Plan Area: development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail above). Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.

Additional detail about affordable housing and displacement is provided in *Attachment F*, *Responses 4.2 through 4.8*, *Attachment G* (pages 2 and 10), reflecting changes made to the Plan up until the May 21, 2014 Planning Commission meeting and *Attachment E* (changes made at

<sup>&</sup>lt;sup>7</sup> CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

Comment 2.6: Add specific policies to incentivize development on the sites identified as competitive for Low-Income Housing Tax Credits; and provide a fuller explanation of how those sites correspond (or do not correspond) to the city's Housing Element opportunity sites.

<u>Response:</u> Sites were added to Figure 8.5 Potentially Competitive Sites for Low Income Housing Tax Credits to further correspond with the city's Housing Element update.

#### 3. Historic Preservation

<u>Comment 3.1:</u> Would like to preserve Biff's building, retain historic resources in the Valdez Triangle, and retain the homes on Waverly Street, Harrison Street, and the Newsom Apartments.

Response: The Specific Plan and zoning regulations have been revised to now allow for existing buildings to count towards the minimum required square footage of retail before residential is allowed; also, a CEQA Historic Resource's square footage can now be counted as double towards obtaining residential (see Policy LU-10.9). Further changes to the zoning regulations allow for if a CEQA Historic Resource is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required. The Specific Plan does not mandate the demolition, destruction, relocation, or alteration of any properties, historic or otherwise in the Plan Area. Because these properties are owned by private owners and not owned by the City, the City cannot absolutely require the buildings to be preserved or prevent them from being demolished. However, there are special, stringent regulations already contained in the City's Planning Code (Section17.136.075) which regulate the demolition and/or removal of designated historic properties and potentially designated historic properties.

<u>Comment 3.2:</u> Create incentives for historic preservation and prioritize reuse of commercial auto-related and residential buildings.

Response: There are a variety of incentives that have been added to Policy LU-10.9 of the Specific Plan and included in the zoning regulations, these include among others: existing buildings to count towards the minimal required square footage of retail before residential is allowed; a CEQA Historic Resource's square footage can be counted as double towards obtaining residential or if it is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required; and no parking or open space requirements when converting from commercial to residential use pr vice versa when it is a Potential Designated Historic Property (PDHP) or CEQA Historic Resource. Also, if a PDHP or a CEQA Historic Resource is incorporated as part of a larger project the area that is incorporated will be exempt from parking and open space requirements.

Comment 3.3: Policies LU-11.2 and CD-3.15 contradict the historic preservation goals. Support current efforts to establish a state historic tax credit.

Response: The original Policy LU-11.2 of the Specific Plan has been eliminated and replaced with the new Policy LU-11.2 Support current efforts to establish a state historic tax credit program and related Policy IMP 5-1. Policy CD-3.15 is now CD-3.16 and was modified as shown below.

The below policy was deleted:

#### Policy LU-11.2

On Retail Priority Sites, new development that furthers Specific Plan goals to provide destination retail uses will take precedence over adaptive reuse.

While the Plan encourages the preservation and adaptive reuse of buildings of historic and architectural merit, some buildings in the Plan Area are likely to be substantially modified or replaced in order to meet Plan objectives to create destination retail in the Valdez Triangle. In such eases, the City will require developers to explore the feasibility of relocating the resource to an acceptable site consistent with Policy 3.7 in the City's Historic Preservation Element.

Former policy CD-3.15, now Policy CD-3.16, was revised as shown below:

#### Policy CD-3.16

New development will be encouraged to protect and re-use many of the area's distinctive historic buildings. as long as such preservation does not impede achievement of the City's primary objective to establish destination retail in the Triangle.

The Triangle has a quite diverse collection of older buildings, some that are designated historic resources, some that contribute to a designated Area of Secondary Importance (ASI), and some that have distinctive character but do not qualify as historic or contributing resources. These buildings include churches, small multi-family buildings, Victorian and bungalow style residential buildings, and automotive garages and showrooms. In addition to designated resources (Figure 2.4), the Triangle also includes two Adaptive Reuse Priority Areas, one along 24th Street and the other along Harrison Street.

While all of these buildings have the potential to make positive contributions to the Triangle's design character, the biggest design challenge will be how to integrate desired retail development and uses with these older buildings. Some, such as the former Biff's coffee shop at 27th and Valdez and the Newsom Apartments at 24th and Valdez, may be difficult to adapt to retail uses or the desired district character due to limitations presented by their built form. Others, including Biff's and the residential units along Waverly, are located in designated Retail Priority Sites where retail development will be given priority over adaptive reuse if the two objectives are in conflict.

The urban design strategy in the Triangle will be a balancing act that promotes the protection and reuse of many of the area's historic building resources, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle. The Plan recognizes that trade-offs will need to be made to realize the vision for the Triangle, and that those trade-offs are likely to include some impacts to historic resources and loss of some of the historic building fabric. The precedent photos on the facing page illustrate a number of different examples of how to adapt and reuse older buildings for new uses. Figures 5.16-5.19 illustrate two fundamental approaches to adaptive reuse, using the existing garage at 24th and Webster streets as an example. The first approach works primarily with the existing structure with a focus on restoring historic character and details and making modest changes to accommodate proposed uses (e.g., replacing garage doors with pedestrian entries, removing signage to expose original windows, etc.). The second approach incorporates the first, but also explores how to add onto the existing building by developing vertically to expand the range of uses and site capacity.

Comment 3.4: The exemption from the Dark Skies in the Entertainment Overly should be eliminated.

Response: Discussion of a potential Entertainment Overlay has been eliminated from the Plan and therefore the exemption from the Dark Skies requirement is also eliminated from the Specific Plan.

Comment 3.5: Harrison Street is not a strong retail street, and has never been one; retail should be concentrated along Broadway, not Harrison Street.

Response: There already is a significant amount of retail at the intersection of Harrison, 24<sup>th</sup> Street, 27<sup>th</sup> Street, and Bay Place. The Specific Plan is proposing to build upon the success of retail of the Whole Foods at Harrison Street and Bay Place, as well as the Acura Dealership on the opposite side of the street. And, currently there is a 7-11 across the street from Whole Foods on Harrison Street with several more commercial buildings as well as Wheel Works across the street on the other side of Harrison where the Retail Priority Site is proposed. Also see Response 4.2 under Retail Priority Sites below.

#### Comment 3.6: Remove Richmond Avenue from the Specific Plan Area.

Response: The existing zoning of Mixed Housing Type Residential-3 (RM-3) is not changing, so there will be no changes for Richmond Avenue.

Comment 3.7: The LPAB, at its May 12, 2014 meeting, recommended using more proactive and affirmative language for the Policy and strategies of IMP-5.1(not "consider" or "could establish" but "will establish" or "will pursue" etc.).

Response: The following in Policy IMP-5.1 will be changed, additions are <u>underlined</u> and deletions are in strikeout:

## Policy IMP 5-1

Consider The City will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas: Potential Preservation strategies to be considered should include the following: Facade Improvement Grants, Facade Easements: Transfer of Development Rights (TDR). Extension of the California state Historical Building Code (SHBC); Reduced Fees and Expedited Development Review, Federal Historic Tax Credits, Recognition of Plan Area historic resources that promotes broad community awareness (e.g.; plaque program), Mills Act (Property Tax Abatements), and Relief from Code Requirements.

The following represent some programs and strategies that will be pursued might be considered

#### FACADE IMPROVEMENT GRANTS

The City could will pursue reestablishment of a Façade Improvement Grant Program to encourage the reuse of eligible buildings specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail).

#### FACADE EASEMENTS

The City could will pursue establishment of a Façade Easement Program to encourage the preservation of building facades in perpetuity:

## TRANSFER OF DEVELOPMENT RIGHTS (TDR).

The City could will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area.

### REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

The City could will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

#### DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS

Eligible properties could be granted relief from polentially financially burdensome requirements as required in the Oakland development code. These might include parking open space, and impact fees. The City might also consider will pursue development incentives which could include, but not be limited to, flexibility in development standards, and height and density bonuses.

#### 4. Retail Priority Sites

#### Comment 4.1: Add more fine-grained mapping of Retail Priority Sites.

Response: The Retail Priority Sites were broken up into smaller sub areas: for Retail Priority Site 3 from the previous (a) and (b) to now (a), (b), and (c); Retail Priority Site 4 now has an (a) and (b); and Retail Priority Site 5 from the previous (a) and (b) to now (a), (b), and (c). After publication of the Specific Plan on May 1, 2014, Retail Priority Site 5 was also further subdivided from the previous (a) and (b) to now (a), (b), and (c), see the main part of the Staff Report, the Overview section, item #5 for a more detailed discussion of the Retail Priority Sites.

#### Comment 4.2: Concentrate retail and/or Retail Priority Sites along Broadway.

Response: One of the primary objectives of the Plan is to support the viability of retail along Broadway by enlivening a series of activity nodes, such as the Valdez Triangle, directly adjacent to the corridor. Retail along Broadway will also benefit from the envisioned secondary retail corridors connecting to it, such as 24th Street.

In addition, the Plan includes a combination of Retail Priority Sites along Broadway with active retail/commercial use requirements on the ground floor of buildings fronting on the corridor. Sites along Broadway that already had limitations on them, such as the YMCA and the First Presbyterian Church or that are too small, are not included as Retail Priority Sites, but still have an active retail/commercial use requirement on the ground floor.

#### Comment 4.3: Eliminate the Waverly Block from the Retail Priority Sites.

Response: Retail Priority Site 5b (the Waverly Block) is a key Retail Priority Site because of its direct proximity to the existing Whole Foods market at the intersection of Harrison, 24th Street, 27th Street, and Bay Place. There is demonstrated precedent in the real estate market that retailers want to be located in close proximity to a Whole Foods market to benefit from their customers. The Harrison /27th Street intersection is also along a main corridor for access to and from downtown, which brings large visibility to the site that retailers demand. The Plan envisions increased pedestrian activity along 24th Street between Whole Foods and the new Hive project (Rétail Priority Site 1) at Broadway and 24th Street. The Waverly block adjacent to the Harrison /27th Street intersection is therefore envisioned as an important retail site that will help anchor the Valdez Triangle.

#### Comment 4.4: Add the east side of Webster as a Retail Priority Site.

Response: This block does not have good visibility to a major thoroughfare, such as Broadway or 27<sup>th</sup>. Street, and it is already entitled for a large residential project. The block also has a deed restriction that requires approximately 240 parking spaces be maintained on the site for use by the Ordway

## Excerpts from the Broadway Valdez Specific Plan, bold highlights added:

#### page 4:

The Plan seeks to articulate and implement a long-range vision for the revitalization of the Broadway Valdez District by establishing a broad set of goals and policies that address all aspects of the Plan Area's life, including its physical, functional, social, and economic character. These goals and policies, which are presented in the following chapters, have been informed by a series of themes or concepts that were consistently raised during the planning process. The following is an overview of the goals that have guided the recommendations set forth in this Plan (see Chapter 3: Vision and Goals for a more detailed discussion):

- An attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
- A "complete" mixed-use neighborhood that is economically and socially sustainable—providing quality jobs, diverse housing opportunities, and a complementary mix of neighborhood-serving retail, dining, entertainment and medical uses;
- New uses and development that enhance the Plan Area's social and economic vitality by building upon the area's **existing strengths** and successes, and revitalizing and redeveloping underutilized areas;
- · A compact neighborhood that is well-served by an enhanced and efficient transit system;
- Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district; . . . .

#### Page 49

- 1 2355 Broadway 1913-14 Packard & Maxwell- Don Lee-Western Auto Building
- 2 2401 Broadway 1913-14 Pacific Kissel Kar Salesroom and Garage

- 3 2601-19 Broadway 1913-14 First Presbyterian Church
- 4 2740 Broadway 1929 Pacific Nash Co. Auto Sales and Garage
- 5 2801-25 Broadway 1916 Arnstein-Field & Lee Star Showroom
- 6 2863-69 Broadway 1892 Queen Anne-style Apartment Building
- 7 2946-64 Broadway 1930 Firestone Tire & Rubber Service Station
- 8 3074 Broadway 1917 Grandjean Burman (C.) GM Co Alzina Garage
- 9 3330-60 Broadway 1917 Eisenback (Leo) Strough (Val) Showroom
- 10 3093 Broadway 1947 Connell GMC Pontiac Cadillac
- 11 2332 Harrison Street 1925-26 YWCA Blue Triangle Club
- 12 2333 Harrison Street 1915-18 Seventh Church of Christ, Scientist
- 13 2346 Valdez Street 1909-10 Newsom Apartments
- 14 2735 Webster Street 1924 Howard Automobile-Dahl Chevrolet Showroom

#### 15 315 27th Street 1964 Biff's Coffee Shop

- 16 2335 Broadway 1920 Dinsmore Brothers Auto Accessories Building
- 17 2343 Broadway 1924-25 Kiel (Arthur) Auto Showroom
- 18 2345 Broadway 1920 J.E. French Dodge Showroom
- 19 2366-2398 Valley Street 1936 Art Deco Warehouse
- 20 440-448 23rd Street 1919 Elliot (C.T.) Shop Valley Auto Garage

AN "AUTHENTIC" OAKLAND PLACE

Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives retail and mixed use district.

page 80

Policy CD-3.16

New development will be encouraged to protect and reuse many of the area's distinctive historic buildings.

PP 70-71

LAND USE

.... GOAL LU-11: Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district.

Page 73

**IMPLEMENTATION** 

GOAL IMP-4: A policy and funding strategy that facilitates the development of housing in the planning area that is affordable to a cross-section of the community.

GOAL IMP-5: A combination of incentives, regulation, preserve and re-use historic resources in the Plan Area.

Page 75

Policy LU-8.7

The Triangle will establish an identity as a unique, Oakland shopping district by integrating new high-quality buildings with attractively renovated and re-purposed historic buildings.

Page 77

Policy LU-10.7

Establish development regulations that implement recommended height zones while being responsive to surrounding context by providing appropriate transitions between buildings of diff erent scales, maintaining a consistent scale at street frontages, and **respecting historic buildings** and public open spaces.

Page 80

Policy CD-3.16

New development will be encouraged to protect and reuse many of the area's distinctive historic buildings.

Page 87

Policy IMP-5.1

The City will pursue developing a package of incentives that will **encourage landowners and developers to renovate and/or adaptively reuse historic buildings**, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- · Facade Improvement Grants;
- · Facade Easements;

- · Transfer of Development Rights (TDR);
- · Extension of the California State Historical Building Code (SHBC);
- · Reduced Fees and Expedited Development Review;
- · Federal Historic Tax Credits:
- Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program);
- · Mills Act (Property Tax Abatements); and
- · Relief from Code Requirements.

Policy LU-8.7

The Triangle will establish an identity as a unique, Oakland shopping district by integrating new high quality buildings with attractively renovated and re-purposed historic buildings.

To be successful, the Triangle must create a strong retail identity and presence that can establish the area as an attractive and competitive destination within the region. In order to strengthen the area's retail identity and create a vibrant retail environment, the Triangle area will feature street-oriented retail in an attractive pedestrian oriented environment that includes active sidewalks and safe and attractive public spaces. Designated areas within the core of the Triangle will be required to have active, street-fronting retail and complementary dining and entertainment on the ground-level. In addition to promoting a strong component of local, non-chain retailers, the intent is that the Triangle will maintain an identity as a unique shopping district with an authentic Oakland character. In an effort to maintain an authentic local character, the Plan promotes the integration of high-quality new buildings with renovated and repurposed historic buildings. In this way, the Triangle will continue to be perceived as an authentic Oakland "place"—not a generic shopping center that could be anywhere.

#### Page 117

· Historic Preservation: The Plan Area's historic resources can be a key element in creating a unique identity and sense of place for the area. In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order to build a residential project. A CEQA Historic Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential. The reuse of the Plan Area's garages, showrooms and other older buildings can contribute to the authentic character and architectural richness of neighborhood, as well as minimizing energy and resources expended on their demolition and replacement. Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource will not be required to provide new parking or open space to convert from a commercial to residential use or vice versa. Also, if a PDHP or a CEQA Historic Resource is incorporated as part of a larger project the area that is incorporated will be exempt from parking and open space requirements.

#### Page 119

#### 4.4.8 HISTORIC RESOURCES AND PRESERVATION STRATEGIES

GOAL LU-11: Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district.

#### Page 125

• A visually and aesthetically distinctive identity that integrates the area's historic buildings with quality contemporary design to maintain a link to the area's social, cultural and commercial heritage; and

#### 5.2.2 VALDEZ TRIANGLE DESIGN CONCEPT

The Valdez Triangle is envisioned as a vibrant pedestrian oriented shopping district that will be a retail destination for Oakland residents and the broader East Bay. In order to successfully attract shoppers, residents, and workers to the area, the Triangle's design must not only be accommodating, but memorable. The Plan calls for destination retail and a mix of complementary supporting uses, including housing, with attractively designed and generously proportioned sidewalks, plazas and public spaces, animated by active storefronts, in a mix of restored and reused historic buildings and new contemporary architecture.

#### Page 153

· A Mix of Old and New: In addition to distinctive new architecture, the Plan promotes the adaptive re-use and re-purposing the existing inventory of historic buildings to maintain a connection to the area's past and contribute to a rich and varied architectural vocabulary. The creative and sensitive integration of old and new will enrich the Plan Area's identity and contribute to a sense of authenticity that is too often missing in retail districts.

#### Page 162

#### 5.4.4 HISTORIC PRESERVATION AND ADAPTIVE REUSE

The preservation and adaptive reuse of the Plan Area's inventory of historic and older buildings is an important strategy for preserving a distinctive identity that has its roots in the area's history.

#### **VALDEZ TRIANGLE**

Policy CD-3.16

New development will be encouraged to protect and re-use many of the area's distinctive historic buildings.

The Triangle has a quite diverse collection of older buildings, some that are designated historic resources, some that contribute to a designated ASI, and some that have distinctive character but do not qualify as historic or contributing resources. These buildings include churches, small multifamily buildings, Victorian and bungalow style residential buildings, and automotive garages and showrooms. In addition to designated resources (Figure 2.7), the Triangle also includes two Adaptive Reuse Priority Areas, one along 24th Street and the other along Harrison Street.

The urban design strategy in the Triangle will be a balancing act that promotes the protection and reuse of many of the area's historic building resources, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle.

The precedent photos on the facing page illustrate a number of diff erent examples of how to adapt and reuse older buildings for new uses. Figures 5.14-5.17 illustrate two fundamental approaches to adaptive reuse, using the existing garage at 24th and Webster streets as an example. The first approach works primarily with the existing structure with a focus on restoring historic character and details and making modest changes to accommodate proposed uses (e.g., replacing garage doors with pedestrian entries, removing signage to expose original windows, etc.). The second approach incorporates the first, but also explores how to add onto the existing building by developing vertically to expand the range of uses and site capacity.

#### Page 265

#### 8.5 HISTORIC PRESERVATION IMPLEMENTATION STRATEGY

GOAL IMP-5: A combination of incentives, regulation, and funding assistance to incentivize developers topreserve and re-use historic resources in the Plan Area.

#### 8.5.1 HISTORIC PRESERVATION OBJECTIVE

To explore and adopt preservation funding sources, incentives, and/or strategies to promote preservation and adaptive reuse in the Plan Area. Historic preservation and adaptive reuse are encouraged, and involve issues different from new development. Implementation of incentives, strategies and regulations should enhance economic feasibility for preservation and avoid unnecessary regulatory procedures in order to encourage property owners to initiate preservation activities.

# 8.5.2 POTENTIAL FUNDING SOURCES, INCENTIVES AND STRATEGIES Policy IMP-5.1

The city will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- Facade Improvement Grants;
- Facade Easements:
- Transfer of Development Rights (TDR);
- Extension of the California State Historical Building Code (SHBC);
- Reduced Fees and Expedited Development Review;
- Federal Historic Tax Credits;
- Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program);
- Mills Act (Property Tax Abatements); and
- Relief from Code Requirements.

Historic preservation and adaptive reuse projects can involve issues different from new development. While City resources are limited, the City should explore incentives to promote preservation and adaptive reuse in the Plan Area. The following represent some programs and strategies that will be pursued:

#### **FACADE IMPROVEMENT GRANTS**

The City will pursue reestablishment of a Facade Improvement Grant Program to encourage the reuse of eligible buildings specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail). Grants could be awarded on a 'dollar for dollar' basis for qualifying physical investments that improve the physical appearance of the facade and retain architectural features.

#### Page 266

#### **FACADE EASEMENTS**

The City will pursue establishment of a Facade Easement Program to encourage the preservation of building facades in perpetuity. A special façade easement program, to be overseen by the City, could be established for the planning area to recognize facades of significance particular to the Area. Applicants would have to demonstrate through architectural drawings that their proposed development would preserve distinctive features of the building.

#### TRANSFER OF DEVELOPMENT RIGHTS (TDR)

The City will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area. This would allow for the transfer of unused development rights from eligible properties within the Adaptive Reuse Priority areas to elsewhere in the Plan Area vicinity. Applicants would have to demonstrate through architectural drawings that their proposed reuse development preserves distinctive features of the building.

#### EXTENSION OF THE CALIFORNIA STATE HISTORICAL BUILDING CODE (CHBC)

The California State Historical Building Code (CHBC) is intended to help save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and

adaptively reusing historic or otherwise eligible buildings. The CHBC provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a "qualified historical building or structure" (Health and Safety Code, Division 13, Part 2.7, Sections 18950-18961). The local jurisdiction has jurisdiction over the enforcement of the Code. Currently, Local Register properties in Oakland qualify for the CHBC. Regulations within the CHBC could be extended to all other identified historic structures in the Plan Area in order to provide guidance in quality adaptive reuse of buildings.

#### REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

The City will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

#### DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS

Eligible properties could be granted relief from potentially financially burdensome requirements as required in the Oakland development code. These might include parking, open space, and impact fees. The City will pursue development incentives which could include, but not be limited to, flexibility in development standards, and height and density bonuses.

#### MILLS ACT (PROPERTY TAX ABATEMENTS)

The City should continue to promote its Mills Act property tax abatements in exchange for property owners agreeing to repair and maintain the historic character of their property. The Mills Act is a contractual agreement between property owners and the City to receive reduced property taxes.

#### C12

2.3.1 BUILDING MASSING AND SCALE It is important that future buildings are designed so that their scale and massing does not overwhelm the public realm and make it unattractive or inhospitable. Large buildings can be attractive and dramatic, yet still preserve a pedestrian scale at street level. They do not have to be monolithic or imposing. There are many design techniques for adding visual interest and mitigating a building's apparent bulk and scale. The following guidelines seek to ensure integration of new buildings into the existing character of the area, while allowing for more intense development and taller buildings. New buildings and additions should reinforce the historic pattern with setbacks and upper-level step-backs oriented to the many existing low to mid-rise buildings.

#### 2.3.12 HISTORIC RESOURCES

The Plan Area's inventory of buildings that were developed in the late 19th and early 20th century is an important resource that contributes to the area's historic character and distinctiveness. The vision for the Plan Area is to preserve and integrate this inventory of historic buildings with new development to create an urban environment that addresses the needs of the present while maintaining a tangible link to the area's past. New buildings should be sensitive to the historic scale and character of the existing buildings.

DG 119. Complement to Historic Resources. New buildings developed within historic districts or adjacent to historic buildings should seek to complement the existing historic and architectural character of the area, while also seeking to be recognized as products of their own time. Consider how the style, massing, rhythm, setbacks and material of new development may affect the character of adjacent resources. Reinterpret character elements to complement historic resources, without replicating.

DG 122. Complement and Reinforce Architectural Details. The architectural details of new buildings within historic districts or adjacent to historic buildings should relate to existing buildings. Such details may include lintels, cornices, arches, masonry patterns, and interior trusses. Since there is such a large variety of styles and details within the historic districts in the Plan Area, new development must specifically consider adjacent properties.

DG 123. Building Form. The form and shape of new buildings within historic districts or adjacent to historic buildings should be compatible with existing resources. The degree to which a new building is simple or complex in form and shape should be determined by the architectural character of the area. Given the prevalence of automobile-related garages and showrooms with fairly simple forms, new buildings should generally reflect that simplicity. However, even when adjacent to buildings with more complex forms (e.g. Queen Anne and other Victorian styles), the preferred design approach should be for new buildings to defer to existing structures rather than trying to compete in terms of formal complexity.

**DG 124.** Adaptive Reuse. Retain and integrate historic and architecturally significant structures into larger projects with adaptive reuse. The following guidelines address the distinguishing architectural characteristics that should be responded to in the Plan Area's Area of Primary Importance (API) and Areas of Secondary Importance (ASI).

When adapting or altering historic resources, the following is recommended:

- Working within the existing building envelope is recommended. Where additions are desired, they should generally be located on a secondary or rear facade. Or, if they are rooftop additions, they should be set back from the primary facade and should not interfere with the building's roofl ine.
- Follow the Secretary of the Interior's Standards for Rehabilitation when adapting and altering historic resources.
- Retain and repair historic materials or covering historic architectural details with cladding, awnings, or signage.
- Identify, retain, and preserve architectural materials and features that are important in identifying historic character.
- Use historic photos, when available, to inform rehabilitation.
- Use materials and colors that complement the historic character of the property.
- Consider consultation with a preservation architect to ensure renovations are compatible.
- Consult with City's historic preservation staff.

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JOYCE ROY: Friends - My name is Joyce Roy.

Friends of Biff's and we have sent a lot of stuff through email to you and you'll see what's handed out you seen everything except my statement tonight, and a site plan - which i decided would be a good idea too.

and so - since i am a better writer than a speaker - i thought i can read i will read and you can follow me to get it right

i would say that you really need to postpone this because it is useless to even consider this proposal because it can't fly.

the proposal requires the demolition of Biff's but it does not meet the city's own conditions required to permit the demolition of a historic resource:

one is that it has - one of these conditions is that it has no reasonable use and cannot generate a reasonable economic return.

But we know from the architect - Victor Newlove, who generated the original working drawings, and has since restored similar restaurants that were more or less a shell that the construction cost would be about two million but with the final cost would be about 1.5 million because of historic tax credits, and so forth.

And Biff Naylor - who wants to operate the restored Biff's - has put it in writing that he would pay 20 thousand a month to lease it. That is based on the revenue generated from his experience of four or five other similar restaurants that he operates. for an annual return of \$240,000 on an investment of 1.5 million would mean the original investment would be recovered in about seven years.

That seems like a reasonable economic return.

We asked the Victor Newlove and Biff Naylor to come to this meeting . Victor Newlove who has a very busy practice and Biff Naylor is opening a new restaurant in Las Vegas. We are lucky that he wnats to be the operator for Biff's although only in a restored Biff's. H once indicated that he might be interested in opening somewhere else in Oakland but changed his mind.

And even if a historic resource could not generate a reasonable economic return, there is a second condition that must be met to permit its demolition and that condition is the design quality of the replacement facility is equal or superior to the existing facility and here is what it said: the analysis prepared by a historic architect or professional with an equivalent expertise and that has not been done.

You would need somebody of Alan Hess' expertise to do that.

Most developers in Oakland are building on vacant lots.

**MODERATOR VOICE**: Your time is up.

**JOYCE ROY**: Hanover can build units on the vacant portion of the site on Broadway which is the best location for retail and we have proposed an alternative that restores Biff's and is profitable - and it's attached - you have that.

MODERATOR VOICE: Thank you.

ANDREW DANISH: My name is Andrew Danish.

I am not going to tell you how i came to eat coleslaw. I actually never ate at Biff's, but I moved to Oakland in 1997 and I noticed Biff's as soon as I moved here and I was intrigued as to what this building was, and being a designer, photographer and writer, I feel I was trained to see beyond what it looked like - I knew there was something more there.

I started researching Biff's.

Fast forward today almost 20 years and where I am today I am still trying to save this historic example of 'Googie' architecture.

Let me go in to say I am opposed to its demolition for these three simple facts:

Number one - Biff's was appraised as Heritage Property status, as determined by the Landmarks Preservation Advisory Board on January 13, 1997, thus the building is considered a historic resource. This fact should be an umbrella under which all of our decisions are made.

Number two - Biff's cannot be demolished solely based on the current landmarks board findings that (quote) "the existing property has no reasonable use and cannot generate a reasonable economic return." (end quote) I disagree and others here tonight I will donate my time so they may explain that further.

Number three - On October that the new development is not of equal or superior quality to the existing facility. This was later overturned by (*the landmarks board*) committee, but I challenge this finding. Biff's was a gleaming use of glass and steel and this design is the only remaining circular structure by the renowned Googie architectural firm Armet and Davis.

Of course design is very subjective - I understand that - but I challenge you to agree that this design - and those of countless other generic apartment buildings in Oakland's pipeline - can match that of Biff's.

We all know the Bay Area needs more housing - affordable housing - and not just market rate. But Oakland needs retail and the Broadway Valdez plan is first and foremost retail district.

This is big-box housing with maximum footprint on top and minimal retail.

**MODERATOR VOICE**: Your time has expired.

**STEVE LOW**: Well I got started in this town it was 40 years ago working on historic properties and I feel that Oakland is losing a lot of its history especially by land owners who hold a property for a project and let it deteriorate until it can be sold.

So I find a little touch of that in this line item.

A lot of people have been trying to save Biff's and get it going for 20 years, and I think some way or another we have to take a look at that and see if there is as higher and better use of Biff's than the analysis that the developer has done - to see if we really can't restore it and make it into something that's going to keep the Valdez area alive

Then that's what to do, do a more thorough going analysis and try to find somebody whoi's adept - as Ms. Roy said - at developing restaurants, and so forth.

See if that can't help the project.

If so, then maybe there is enough other way to design what obviously is needed for the parking area up there - not necessarily at the expense of picking Biff's up.

MODERATOR VOICE: Thank you - next speaker please.

Naomi Schiff: I don't understand how much time I have to speak. Could you please tell me. Thank you.

Naomi Schiff for Oakland Heritage Alliance. I can't go through all of our point.

The EIR is not adequate and the finding can't really be made. This design is not good enough - yet - first of all.

Secondly, I do believe there is a win-win opportunity here The tall buildings along Broadway would create the space that is needed - to has as many or more units that Hanover is proposing and bring back to life the interesting round building.

And I think we are faced with a lack of vision in the Hanover company - nice though they are - love talking to Scott - enjoyed meeting with them.

I this piece of architecture does not match up. I would like to specifically address the big thing that sticks up which is not mid-century architecture - but is some kind of attempt to echo the Presbyterian church across the street (which is a landmark building.)

Just take that thing off of there - the landmarks board was wrong!

The white frame ought 'a go. Listen - we're getting them all over town. This is not the only one. The little frame around a bunch of units is now a cliché and will date the building immediately. You saw it at Children's Hospital. You've seen it proposed in any number of residential buildings.

Don't let them put those picture frames on every single building. It makes it - it's an applied thing.

And it is a mistake.

So the design is insufficiently distinguished to excuse demolition of this building. But if you do demolish it I would like to address the mitigations for a few minutes. If you decide to demolish it I would like to point out the facade improvement mitigation fee is too low. That there has been at least something in the neighborhood of 14% inflation since the original formula has been concocted years ago, and therefore the \$80,000 is actually inadequate.

Secondly, funds seem to be devoted to offering Biff's for sale to be moved off site. You've just spent thousands of dollars with the developer has spent thousands of dollars proving that can't be done. So why spend money on advertising and offering this building for sale? Put that money into mitigation - into the facade improvements or into other historic mitigation measures.

It is ridiculous - no body is going to pick this thing up and move it to Hayward.

So there is some work that still needs to be done. In addition we have a long list of places where we believe the specific plan <u>does</u> call for a serious look at historic preservation. Pages and pages of it I have given you.

And we have also given you a list of what we think are deficiencies in the environmental document.

Thank you.

**MODERATOR VOICE**: Thank you - next speaker please.

Gale Mathews (sic): I wanted to support Naomi's concerns as well as Joyce Roy and

This is a one of a kind historic resource It's not going to be any easy job to create within Oakland.

I strongly feel it deserves restoration as a historic resource that be revitalized. When I came to visit here maybe 19 years ago.

I was at the Kaiser to see *Stone Temple Pilots* walking back and I asked where can I eat? And it was so crowded at Biff's at one o'clock in the morning that I had to wait half an hour before I could have something to eat.

It showed me that Biff's is well loved, well supported place that drew a lot of people to its all hours of place - it was busy. I tried to go other hours and every time I went there I had to wait.

Biff's was the place.

And then, when I moved here, about eight or nine years after, I just felt like "Ok, what's going on?" And what is going on now is i think is what is called 'land banking.' It is just sitting there, allowed to be trashed, allowed to be abused in every possible way - in such a way that people look at it and go "Oh look at that. I think we should just tear that down."

So I think this is a very bad suggestion to do something with Biff's other than to re-open it. Let it live again. Let it be part of this community.

And my last remark is that if you think we don't have stuff on every corner doesn't mean that we're lacking.

We need some open space. We need some parks - some park places - people to congregate. We need places for people to have farmers Market in that area - things that utilize that open space during certain hours of the day, all day long, all weekend long, and not have every corner built up with these hideously ugly buildings.

Thank you.

**MODERATOR VOICE:** Thank you.

# RE: Biff's Coffee Shop - Request to delay Jan 20 Planning Commission hearing in order to work together

2 messages

leal charonnat <friendsofbiffs@gmail.com>

Wed, Jan 20, 2016 at 9:59 AM

To: Scott Youdall <SYoudall@hanoverco.com>

Cc: Adhi Nagraj <nagrajplanning@gmail.com>, Amanda Monchamp <amandamonchamp@gmail.com>, Chris Pattillo <a href="mailto:Pattillo@pgadesign.com">Pattillo@pgadesign.com</a>, Emily Weinstein <EW.Oakland@gmail.com>, Jahaziel Bonilla

<jahazielbonillaoaklandpc@gmail.com>, Jim Moore <jmoore.ocpc@gmail.com>, Peter Vollmann

<pvollman@oaklandnet.com>, Libby Schaaf <OfficeoftheMayor@oaklandnet.com>, Joyce Roy

<iovcemroy01@gmail.com>, leal charonnat <lealcharonnat@gmail.com>

TO: Scott Youdall, Developing Partner for Northern California, Hanover Company

CO: Planning Commission Members:

Adhi Nagraj

Jahaziel Bonilla

Amanda Monchamp

Jim Moore

Jahrnese Myres

Chris Pattillo

Emily Weinstein

Pete Vollmann, Planner

Mayor Libby Schaaf

Dear Mr. Youdall:

From Friends of Biff's point of view there really has not been a <u>two-way conversation</u> on the project Hanever Company is proposing at 27th and Broadway that would include as part of their project a restored Biff's Coffee Shop operating as a 24/7 full service restaurant as we have been proposing.

We feel quite strongly Hanover Company and Friends of Biff's should have this two-way conversation.

Therefore, this is our request of how we - Friends of Biff's and the Hanover Company - can work together in order for a project at this site to proceed expeditiously:

Planever Company ask the Planning Commission to delay the public hearing and any decisions on the project scheduled for January 20, 2016.

A delay in the public hearing will give the parties - Friends of Biff's and the Hanover Company - Lime to come

us annonce sunto, quand work out on aquee heat on how a univer can archde a refincible term best in a Energiance Show an ower to tease out the restaurant of the Dur Parico appays which has expressed the desire or apparte a Tim 7-3 for not bestice restaurant as shelf of sindony in ups Angeles and usalize to be usual a second on the restaurant of sindony in ups Angeles and usalize to a sindon sind project on brospika;

tive are also requesting that Mayor Libby Schaaf ask the partinent city staff to help work out any specific recomments of an agreement including any specific language for Conditions of Approval by the Programmy Contribution.

Since where really is no time to develop this prior to the scheduled Planning Commission nearing, we less this which dearly will best serve an expeditious way to develop a project that all parties (Hanover Company Eriemon or diffic, and Mayor Schoal through her office and city staff) can have on.

to a world expect this process should to be completed in 30-30 days (depending on availablity of slap, ing stall) the strought of theyor's staff, etc.) at which time the Hanover Company and Siff's Coffee Shop supporters cround then be able to go back to the Planning Commission with a project that can be forevert.

Smosrehi,

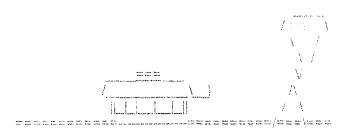
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Jaylor Roy

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a historic Geogle Coffee Snop



Biffs Letter to Hanover 20160119.pdf

Scott Youdall <SYoudall@hanoverco.com>

To: leal charonnat <friendsofbiffs@gmail.com>

Wed, Jan 20, 2016 at 1:21 PM

Cc: Adhi Nagraj <nagrajplanning@gmail.com>, Amanda Monchamp <amandamonchamp@gmail.com>, Chris Pattillo@pgadesign.com>, Emily Weinstein <EW.Oakland@gmail.com>, Jahaziel Bonilla

<jahazielbonillaoaklandpc@gmail.com>, Jim Moore <jmoore.ocpc@gmail.com>, Peter Vollmann
<pvollman@oaklandnet.com>, Libby Schaaf <OfficeoftheMayor@oaklandnet.com>, Joyce Roy

#### <joycemroy01@gmail.com>, leal charonnat <lealcharonnat@gmail.com>

Dear Leal and Joyce,

Thank you for the email. I would kindly dispute that there hasn't been a two way conversation. One of our first actions was to reach out to OHA and Friends of Biff's to discuss the current structure and our development plans. As you recall we toured all interested parties through the buildings in June and then discussed our project at Z Café. We held another meeting at OHA's office in August to share an architectural option where we would recreate the rounded Biff's roof and radius over the northeast retail corner. I actually think the feedback from that second meeting, (which rejected that option) really helped shape the current design of the Valdez side of the building, and improved it from what it was.

I have had several conversations with Biff Naylor since you introduced us. He has made it clear what he could pay in rent for a new Dupar's, provided the building is given to him restored and with all TI's and equipment complete. He has also expressed an understanding of the costs involved and said he doesn't want to push for something that doesn't make business sense. We studied the feasibility of reopening the structure as a restaurant, and even if we look at rents higher than what Mr. Naylor offered (and TI's lower than what he demanded) the option is not feasible. I have not heard from Biff since he let OHA know in October that while he would be very enthusiastic to open a restored Biff's, he would also be very interested in opening a restaurant in another location within Broadway Valdez if a replica structure could be built.

Respectfully, I believe I understand your position very clearly, and staff has overseen exhaustive analysis that shows that restoring the building and finding a restaurant operator to be economically infeasible and potentially at odds with the retail goals of the specific plan. I believe our project as proposed meets these retail and pedestrian-oriented goals; the record demonstrates how difficult and expensive it would be to save Biff's, and I think it is time for us to move forward to the Planning Commission. I'm afraid a delay would not result in any movement in your position, nor ours, given the staff record on this issue and the conclusions of the specific plan.

Sincerely,

Scott Youdall

Scott Youdall

Development Partner

The Hanover Company

svoudail@hanoverco.com

Direct: (905) 277-6445

Cell: (85.1 880-884

From: leal charonnat [mailto:friendsofbiffs@gmail.com]

Sent: Wednesday, January 20, 2016 10:00 AM

To: Scott Youdall

with takens

Cc: Adhi Nagraj; Amanda Monchamp; Chris Pattillo; Emily Weinstein; Jahaziel Bonilla; Jim Moore; Peter

Vollmann; Libby Schaaf; Joyce Roy; leal charonnat **Subject:** RE: Biff's Coffee Shop - Request to delay Jan 20 Planning Commission hearing in order to work

together

Tableary (P. 2016)

TC: Scott Youdall

Developing Parkner for Northern California

Ranover Company

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Adhi Nagraji Jahaziel Bonilla

Amanda Monchamp

Jim Moore

Jahmese Myres

Chris Pattille

Emily Weinstein

Rets Vollmann, Planner Mayor Libby Schaaf

Dear Mr. Youdall:

From Friends of Biff's point of view there ready has not been a two-way conversation on the project Hanover Company is proposing at 27th and Broadway that would include as part of their project a restored Biff's Coffee Shop operating as a 24/7 full service restaurant as we have been proposing.

We feel quite strongly Hanover Company and Friends of Biff's should have this two-way conversation.

Therefore, this is our request of how we - Friends of Biff's and the Hanover Company - can work together in order for a project at this site to proceed expeditiously:

Hanover Company ask the Planning Commission to delay the public hearing and any decisions on the project scheduled for January 20, 2016.

A delay in the public hearing will give the parties - Friends of Biff's and the Hanover Company - time to come to an understanding and work out an agreement on how Hanover can include a refurbished and restored Biff's Coffee Shop in order to lease out the restaurant to the Du-Par company which has expressed the desire to operate a 24/7 Biff's full service restaurant as they do similarly in Los Angeles and Las Vegas and have a mixed-use development project on Broadway.

We are also requesting that Mayor Libby Schaaf ask the pertinent city staff to help work out any specific technical details of an agreement including any specific language for Conditions of Approval by the Planning Commission.

Since there really is no time to develop this prior to the scheduled Planning Commission hearing, we feel this slight delay will best serve an expeditious way to develop a project that all parties (Hanover Company, Friends of Biffs, and Mayor Schaaf through her office and city staff) can agree on.

We would expect this process should to be completed in 30-90 days (depending on availability of planning staff, city attorney, mayor's staff, etc.) at which time the Hanover Company and Biff's Coffee Shop supporters should then be able to go back to the Planning Commission with a project that can go forward.

Sincerely

il eal Chamba

Payce Rey Joyu Con

Dear Leal and Joyce,

Thank you for the email. I would kindly dispute that there hasn't been a two way conversation. One of our first actions was to reach out to OHA and Friends of Biff's to discuss the current structure and our development plans. As you recall we toured all interested parties through the buildings in June and then discussed our project at Z Café. We held another meeting at OHA's office in August to share an architectural option where we would recreate the rounded Biff's roof and radius over the northeast retail corner. I actually think the feedback from that second meeting, (which rejected that option) really helped shape the current design of the Valdez side of the building, and improved it from what it was.

I have had several conversations with Biff Naylor since you introduced us. He has made it clear what he could pay in rent for a new Dupar's, provided the building is given to him restored and with all TI's and equipment complete. He has also expressed an understanding of the costs involved and said he doesn't want to push for something that doesn't make business sense. We studied the feasibility of reopening the structure as a restaurant, and even if we look at rents higher than what Mr. Naylor offered (and TI's lower than what he demanded) the option is not feasible. I have not heard from Biff since he let OHA know in October that while he would be very enthusiastic to open a restored Biff's, he would also be very interested in opening a restaurant in another location within Broadway Valdez if a replica structure could be built.

Respectfully, I believe I understand your position very clearly, and staff has overseen exhaustive analysis that shows that restoring the building and finding a restaurant operator to be economically infeasible and potentially at odds with the retail goals of the specific plan. I believe our project as proposed meets these retail and pedestrian-oriented goals; the record demonstrates how difficult and expensive it would be to save Biff's, and I think it is time for us to move forward to the Planning Commission. I'm afraid a delay would not result in any movement in your position, nor ours, given the staff record on this issue and the conclusions of the specific plan.

Sincerely,

Scott Youdall

Scott Youdall

Development Partner

The Hanover Company

syoudall@hanoverco.com

Direct: 925 277-3448

lead observe make the strip arma and process.

## Biff Naylor

1 message

Naomi Schiff <naomi@17th.com>

Thu, Oct 22, 2015 at 2:37 PM

To: Scott Youdall <SYoudall@hanoverco.com>

Cc: Pete Vollmann <pvollman@oaklandnet.com>, Daniel Levy <dlouislevy@gmail.com>, Alison Finlay <alisonfinlay@sbcglobal.net>, Charles Bucher <cbucher@mullercaulfield.com>, Joyce Roy

<joyceroy@earthlink.net>, leal charonnat <lealcharonnat@gmail.com>

Dear Pete and Scott,

Biff Naylor has telephoned me today, and he wanted to deliver two points: if structure remains, he would be "ecstatic" to operate a restaurant there. Or, if a replica structure could be built, he would also be very interested, perhaps structure could be on a slightly different location on the lot or nearby. He is less interested in being within a larger building.

Thank you,
Naomi

Naomi Schiff

Seventeenth Street Studios 410 12th Street, Suite 300 Oakland, CA 94607

510-855-1717 www.17th.com

Just a few steps from the 12th Street BART station

## Biff's

Andrew Danish <andrew@danishmodern.com>

Wed, Jan 20, 2016 at 4:48 PM

To: Adhi Nagraj <a href="mailto:nagrajplanning@gmail.com">nagrajplanning@gmail.com</a>, Jahaziel Bonilla <a href="mailto:nagrajplanning@gmail.com">nagrajplanning@gmail.com</a>, Jahaziel Bonilla <a href="mailto:nagrajplanning@gmail.com">nagrajplanning@gmail.com</a>, Amanda Monchamp <a href="mailto:nagrajplanning@gmail.com">nagrajplanning@gmail.com</a>, Jahaziel Bonilla <a href="mailto:nagrajplanning@gmail.com">nagrajplanning@gmail.com</a>, J

Cc: pvollman@oaklandnet.com

01 18 2016

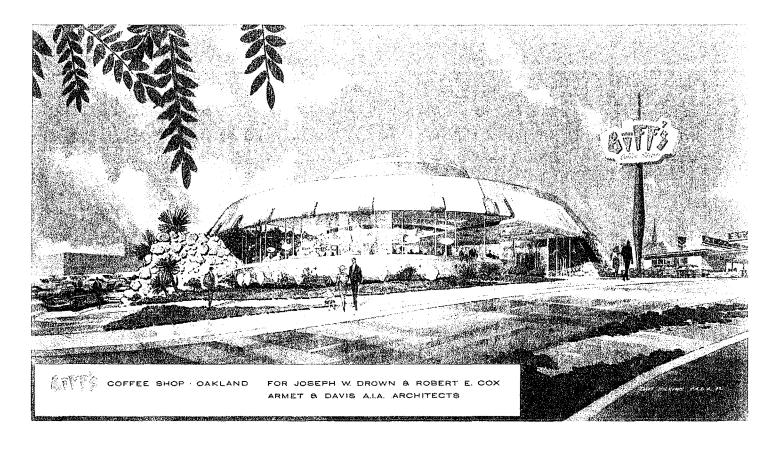
Dear Oakland Planning Commission.

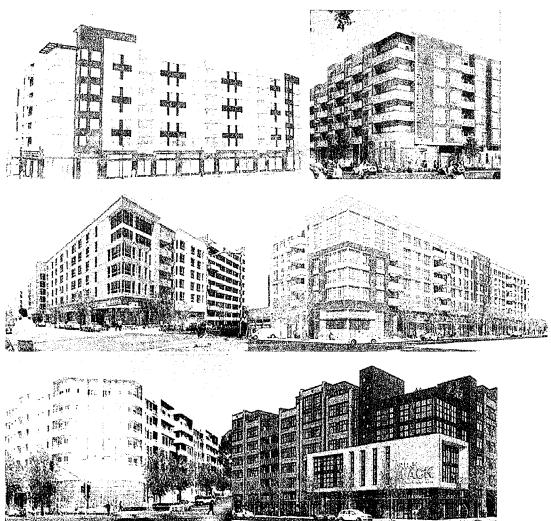
I am not one of those people that fondly remembers going to Biff's as a child. In fact I never stepped foot in Biff's. But when I first moved to Oakland in 1997 I was intrigued the first time I saw that round building. As an artist, photographer and writer I'm trained to see beauty in things that others might pass by.

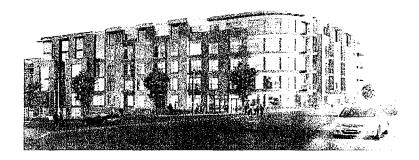
Fast-forward almost 20 years where I'm still trying to save this historically-significant example of googie architecture. Let me go on record that I am opposed to its demolition for these three facts:

- 1. Biff's was appraised as "Heritage Property status" determined by the Landmarks Preservation Advisory Board on January 13, 1997. Thus, the building is considered a "historic resource." This fact should be the umbrella under which all the other discussions of its significance fall under.
- 2. Biff's cannot be demolished solely based on the current Landmarks Board's finding that "the existing property has no reasonable use or cannot generate a reasonable economic return." I disagree, as do others here tonight and I will donate my time for them to explain in detail.
- 3. On October 12, 2015 the Landmarks Board also admitted that the new development was not of equal or superior quality to the existing facility. This was later overturned in committee, but I challenge this finding. Biff's was a gleaming use of glass and steel, and its design is the only remaining circular structure by the renowned googie architectural firm of Armet + Davis.

Of course design is very subjective, but I challenge you to agree that this design, and those of countless other generic apartment buildings in Oakland's pipeline match that of Biff's:







We all know the Bay Area needs more housing—affordable housing, not just market-rate. But Oakland needs retail. And the Broadway / Valdez plan is first and foremost a retail district. This is "big box" housing: maximum footprints on top of minimal retail. In my opinion, the construction is cheap and the facades are merely decorated with design elements, not really designed. Note that the heights are very similar leading to a banal uniformity of the streetscape.

We are witnessing of slew of redevelopment heading our way in Oakland now that our rents have jumped. What frustrates me is that over 40 acres of land is available for development downtown. This is not only about Biff's, even though it is clearly the most architecturally-significant of the batch. But next in line is Giant Burger, and after that Kwik Way. Why do we have to tear down in order to build up?

Oakland has finally stepped into the limelight and out of San Francisco's shadow. We are lauded for our diversity, our quirkiness, and acceptance. Some people call it our Soul. Mayor Schaaf calls it our "special sauce." Whatever you call it we will lose some of it if these buildings are torn down and replaced with monotony.

Oakland deserves better.

Thank you,



unknown.tiff 9949K Cell: (880) 380-0014

From: leal charonnat [mailto:friendsofbiffs@gmail.com]

Sent: Wednesday, January 20, 2016 10:00 AM

To: Scott Youdall

Cc: Adhi Nagraj; Amanda Monchamp; Chris Pattillo; Emily Weinstein; Jahaziel Bonilla; Jim Moore; Peter

Vollmann; Libby Schaaf; Joyce Roy; leal charonnat

Subject: RE: Biff's Coffee Shop - Request to delay Jan 20 Planning Commission hearing in order to work

together

Carried and addition

# RE: Biff's Coffee Shop - Request to delay Jan 20 Planning Commission hearing in order to work together

leal charonnat <friendsofbiffs@gmail.com>

. Hadesage

Wed, Jan 20, 2016 at 9:59 AM

To: Scott Youdall <SYoudall@hanoverco.com>

Cc: Adhi Nagraj <nagrajplanning@gmail.com>, Amanda Monchamp <amandamonchamp@gmail.com>, Chris Pattillo

<Pattillo@pgadesign.com>, Emily Weinstein <EW.Oakland@gmail.com>, Jahaziel Bonilla

<jahazielbonillaoaklandpc@gmail.com>, Jim Moore <jmoore.ocpc@gmail.com>, Peter Vollmann

<pvolIman@oaklandnet.com>, Libby Schaaf <OfficeoftheMayor@oaklandnet.com>, Joyce Roy

<joycemroy01@gmail.com>, leal charonnat <lealcharonnat@gmail.com>

18.3: Scott Youdall, Developing Partner for Northern California, Hamover Company

#### City Planning Commission Members:

Adhi Nagraj

Jahaziei Bonilla

Amanda Monchamp

Jim Moore

Jahmese Myres

Chris Pattillo

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Pete Vollmann Planner

Mayor Libby Scheaf

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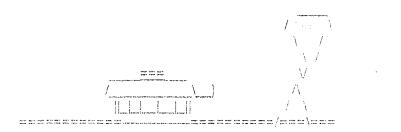
Leal Charonnal

Јорса *Во*у

Eriends of Ciff's

### a historic Googie Coffee Shop

in Arthur Sind on the Walter The Commission of the Commission





# Guest commentary: Must pack planning commission chamber, if Biff's is to be saved

By Joyce Roy, Oakland Tribune My Word © 2016 Bay Area News Group

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Oakland Mayor Libby Schaaf, in her State of the City address, claimed she is aware of our fears "tl today's dramatic changes could whitewash our rich cultural heritage."

Our fears are justified. One of the many hues of our rich cultural heritage is about to be whitewashed, if do not stop it. A project that would do that is on the Jan. 20 Planning Commission agenda.

A developer from Texas, Hanover Co., is proposing a mixed-use project at 27th and Broadway on Biff's Instead of limiting it to the Broadway portion, which can accommodate 180 affordable market-rate mic units, and restoring Biff's, they want to whitewash Biff's and cram the whole site with 255 unaffordable units; average rent: \$3,000 a month.

Restoring Biff's would be profitable for the developer. A very successful restaurant operator from Los Angeles is eager to operate it. As he told the developer when he flew up in June, he would lease it for \$20,000 a month and, "you can take that to the bank."

His name is 'Biff' Naylor. Yes. He was born in Oakland, and his father named his first coffee shop in LA, Biff's, after him. He operates five similar full-service, 24/7 restaurants under the name of Du-Pars.

If this historic resource is wiped off, Oakland would not only lose a cultural and social ingredient in its special sauce, but an economic one. Biff claims that the diner will need 60 to 65 employees and have greannual sales of \$3 million with annual revenue to the city of \$50,000. The restoration would cost about same as four units, \$1.5 million (\$2 million for construction less \$500,000 in various historic tax credits

The goal of the Broadway/Valdez Specific Plan is to bring more retail to Oakland. A common refrain duri its public process was preserving what makes Oaklan special -- we don't want to be like Walnut Creek. So r in historic buildings received double credit.

But staff seems to have led the developer on by ignori that demolition of a historic resource is only permitte it "cannot generate a reasonable economic return" are that the design of its replacement be equal/superior t Biff's is on a retail priority site and so are two other historic resources, the Seventh Church of Christ

Scientist and the Newsom Apartments. If Biff's, which actually can generate a reasonable econom return, can be demolished, what chance do they have?

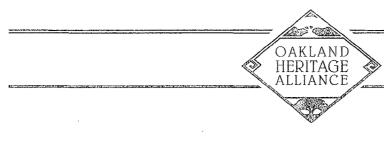
And the building's design? It is not like Walnut Creek. They don't have any building this jarring. I were music, this building would produce the sound of chalk screeching across a blackboard.

Since Biff's was designed for an urban setting with its entry from the public sidewalk, it is an asse the walkable neighborhood we are trying to create. The Broadway Shuttle will bring downtown workers to its front door and nearby retail. Millennials love this Space Age architecture and micro apartments.

It was saved in 1997 because so many spoke up loud and clear and now we have a chance to restor as a living diner.

If you want to bring back Biff's, tell Libby -- and pack the planning commission meeting at 6 p.m. Jan. 20 in Hearing Room 1 at City Hall.

Joyce Roy is a member of Friends of Biff's, a retired architect, and a resident of Oakland.



January 20, 2016

Oakland Planning Commission Pete Vollmann

Dear Commissioners and Staff,

Please do not certify the addendum to the Broadway Valdez EIR. The analysis of cultural resources is insufficient, inadequate, and comes to wrong conclusions. Here are specific comments to the CEQA Analysis:

The previous EIR was certified over our objections, and seemed to take special care to avoid proper care with the historic midcentury building that housed Biff's.

- 1. We object to the assumption that Mitigation Measure CUL-1a cannot be invoked to spare the building. (CEQA Analysis, page 27)
- 2. We note a misspelling at page 28 of CEQA Analysis. While we find that Recordation is a valuable thing in itself, it is inadequate to mitigate the damage, as stated at top of page 29..
- 3. Any "Public Interpretation" should make use of authentic materials from the actual structure, not mere plaques, displays, and signage. Please consider retaining some elements for such reuse. Authentic remnants would be better than plaques. (page 28 of CEQA Analysis)
- 4. Financial contributions (page 29 of CEQA Analysis) should be adjusted upward, and at least allow for the 14% or so inflation since the estimating formulae were created.
- 5. We disagree with the assumption that CUL-5/CUL-1 are necessarily infeasible (Page 29, CEQA analysis). We believe the reports have been prejudiced to create infeasibility and are not entirely objective. We believe that an on-site relocation would still leave room for the entire Hanover program and still preserve the key elements of the structure.
- 6. At SCA-CUL-3 we believe that indeed a distant site for relocation is infeasible. This mitigation should be rewritten to show an effort at on-site relocation. We reject this condition of approval is useless and not worth the investment. Better to take any funds that would be so expended and add them to other mitigation measures.
- 7. At SCA Mitigation Measure CUL-1, we reject the infeasibility argument for relocation onsite (p. A-11)
- 8. At Mitigation Measure CUL-1 (c) another typo. Again, public interpretation should make use of authentic materials from the resource itself, not plaques.
- 9. At Mitigation Measure CUL-1 (d), we would like the amount of any financial contribution to be revisited. Consider whether such contribution could be directed to be used to preserve other midcentury retail structures or facades in Oakland. (For example, the facade of the KwikWay on Lake Park, the hamburger stand at 21st and Telegraph, or Dave's Coffee Shop, all buildings which are from the same approximate era.) (Page A-13)
- 10. We question the conclusions in the Historical Mitigation Compliance at page 2, Options 1-3. Although a developer may be inflexible in design and planning, this is not enough reason to give up on a cultural resource. The proposed design is not superior; therefore, the options should be much more seriously considered, and on-site relocation should be seriously looked at.

- 11. We believe that the building owners have executed a demolition by neglect, and that this should be noted in the HMCA report (page 4). Oakland should not encourage this form of demolition of historic resources, as it creates a path to make an end-run around our Historic Preservation Element of the General Plan. Where demolition by neglect occurs, it should be penalized rather than rewarded.
- 12. Page 5-6 (HMCA). Generally, we agree that Biff's IS a historic resource.
- 13. Page 7-8 (HMCA). Our understanding is that interiors are not generally covered under the historic preservation standards in Oakland, unless specifically identified and called out in a nomination. Therefore, the condition of terrazzo and interior finishes, booths, pendants, etc. should not come into a determination of its integrity.
- 14. At Page 10 of HMCA, we disagree that the project adheres to the design guidelines, which specify compatibility with the historic setting, and a mixture of historic and new construction which preserves a sense of place (see ample citations in our other letter). The project appears to violate a number of the guidelines calling for a well-integrated pattern of new and old.
- 15. (Pages 13-18) Again, we object to the mitigation strategies analysis and how they are handled. It is clear that it is not the feasibility, but the unwillingness of the developer that leads to the proposed demolition of this historic resource. We particularly point to the aging of the BV Specific Plan as a problem. Developers seek to build housing. The city requires retail. The result is an overly crowded site as the developer tries to build housing but must cough up retail square footage in order to gain this permission. The unintended consequence is the destruction of historic buildings and the destruction of the very sense of place that is so frequently mentioned in the BV Specific Plan. Better would be to recommend some alteration to the Specific Plan.
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- 17. At page 19, under CUL-1c we recommend use of authentic elements of the structure, not plaques and displays, as more appropriate, more longlasting, and more interesting. We disagree that recordation reduces impacts much.
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- 19. Page 21, we urge you not to spend money on advertising an admittedly unlikely relocation. Please reallocate an equivalent sum either to an on-site relocation, to retention of the building, or to the city's extant facade improvement program.
- 20. As to the Page & Turnbull report, we repeat that the feasibility of reuse should not depend upon interior condition where the interior is not considered a major feature of a historic resource.

Thank you for your consideration of these comments to the CEQA analysis. We believe the Planning Commission should not certify this environmental document.

Sincerely,

Alison Finlay President

Allom Fealary



January 20, 2016

Oakland Planning Commission Pete Vollmann

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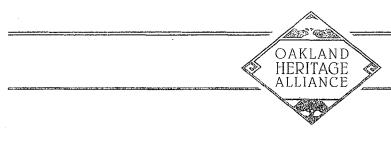
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Sincerely,

Alison Finlay President

alism Fealay



January 19, 2016

December 9, 2015 Oakland Planning Commission Pete Vollmann

Dear Commissioners and Staff,

Please do not approve the Hanover project at 27th and Broadway until further study is made of the possibility of reusing Biff's either in situ, or relocated nearby, by shifting it to the east.

#### FINDINGS CANNOT BE MADE

Oakland Heritage Alliance believes that the planning commission ought not and cannot honestly find that the Hanover project design is "equal to or better than" the B+-rated historic resource Biff's restaurant building—notwithstanding the damage caused by its longtime owner's attempted demolition by neglect.

The city's Broadway Valdez plan may have given this building short shrift, but it is wrongheaded to ignore a building which could contribute to a sense of place for Oakland. To quote the Broadway Valdez Specific Plan: "In an effort to maintain an authentic local character, the Plan promotes the integration of high-quality new buildings with renovated and repurposed historic buildings. In this way, the Triangle will continue to be perceived as an authentic Oakland 'place'—not a generic shopping center that could be anywhere."

While the staff has listed some plan goals which are met by the Hanover proposal, they have avoided listing goals and standards which are *not* met. We have attached some citations from the specific plan at the end of this letter. The city has not lived up to the specific plan in this instance, and has not given sufficient incentive and support to the developer in the service of preserving an important and reusable historic resource. Ill effects include: the loss of a significant resource, rewarding a landowner for attempted demolition by neglect, and the loss of a reusable architectural feature which might draw attention and economic activity to the project.

# PLEASE TAKE A STEP BACK, POSTPONE VOTING ON THIS PROPOSAL, AND RECONSIDER ALTERNATIVES

The proposed design for a small plaza at the east corner of the site is not compelling. If the city of Oakland, its staff and the developer would use their creativity and take our midcentury legacy seriously, we could find a win-win solution. Provide Hanover with additional square footage at the proposed site, taking space out of the unnecessarily wide and confusing intersection, and provide for building around Biff's or shifting to a new foundation, and reconstructing it with reused roof structure and other materials. We once again request that alternatives be studied with openness to the opportunities presented. This awkward intersection cries out for a redesign in any case.

#### MITIGATION SHOULD BE FAR STRONGER IF DEMOLITION IS CONTEMPLATED

We believe that much stronger mitigation must be provided should the project go forward in its present form.

At least three of Oakland's midcentury retail properties with a Googie style are currently threatened with demolition (among others: the Kwik-Way building on Lakeview, the former Dave's Coffee Shop, and the hamburger drive-in at 21st and Telegraph). Of these, Biff's is the largest, was designed by the most prominent architecture firm, and played a large role in Oakland social life for decades. Will Oakland wipe out a whole genre of buildings without any serious consideration?

The facade improvement mitigations proposed are too low. At the very least, there has been about 14% inflation since the formula used was originally put into use. Obviously, as time goes on the mitigation formula provides less and less real improvement through the program, as the significance of the dollar amount shrinks.

There is space for a complete Hanover project alongside a moved or reconstructed Biff's. We have reviewed Leal Charonnat's sketch models, and agree that there are design possibilities that remain unexplored.

#### DESIGN IS UNDISTINGUISHED

We would like to comment upon the design that the proposed "blade" element does not reflect any contextual building style that we can identify. The recurring suggestion that designers should put large vertical members on new structures does not necessarily improve the designs; nor does it relate to the architectural periods surrounding this site. This protrusion does not fundamentally improve the project. This vertical ornament unwisely competes with the elegant steeple across the street at First Presbyterian. The Hanover building should be deferential to the church, not compete with it. No "gateway" is needed at this location. It is Broadway, a natural entry into the core of the city. Overall, the design does not meet the BV Plan's standards.

#### PLEASE DO NOT APPROVE THIS PROJECT

Please do require a serious study of alternatives that preserve the historic resource and will provide the square footage that the developer wants to build. Please do not approve this project as it is currently configured.

The City of Oakland should assist by reviewing its dysfunctional intersection, modifying the BV plan requirements, and considering providing extra space. What we agree can surely be sacrificed is redundant roadway.

Thank you for your consideration.

allom Fealay

Sincerely,

Alison Finlay President

### Excerpts from the Broadway Valdez Specific Plan, bold highlights added:

#### page 4:

The Plan seeks to articulate and implement a long-range vision for the revitalization of the Broadway Valdez District by establishing a broad set of goals and policies that address all aspects of the Plan Area's life, including its physical, functional, social, and economic character. These goals and policies, which are presented in the following chapters, have been informed by a series of themes or concepts that were consistently raised during the planning process. The following is an overview of the goals that have guided the recommendations set forth in this Plan (see Chapter 3: Vision and Goals for a more detailed discussion):

- An attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
- A "complete" mixed-use neighborhood that is economically and socially sustainable—providing quality jobs, diverse housing opportunities, and a complementary mix of neighborhood-serving retail, dining, entertainment and medical uses;
- New uses and development that enhance the Plan Area's social and economic vitality by building upon the area's **existing strengths** and successes, and revitalizing and redeveloping underutilized areas;
- · A compact neighborhood that is well-served by an enhanced and efficient transit system;
- Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district; . . . .

#### Page 49

- 1 2355 Broadway 1913-14 Packard & Maxwell- Don Lee-Western Auto Building
- 2 2401 Broadway 1913-14 Pacific Kissel Kar Salesroom and Garage
- 3 2601-19 Broadway 1913-14 First Presbyterian Church
- 4 2740 Broadway 1929 Pacific Nash Co. Auto Sales and Garage
- 5 2801-25 Broadway 1916 Arnstein-Field & Lee Star Showroom
- 6 2863-69 Broadway 1892 Queen Anne-style Apartment Building
- 7 2946-64 Broadway 1930 Firestone Tire & Rubber Service Station
- 8 3074 Broadway 1917 Grandjean Burman (C.) GM Co Alzina Garage
- 9 3330-60 Broadway 1917 Eisenback (Leo) Strough (Val) Showroom
- 10 3093 Broadway 1947 Connell GMC Pontiac Cadillac
- 11 2332 Harrison Street 1925-26 YWCA Blue Triangle Club
- 12 2333 Harrison Street 1915-18 Seventh Church of Christ, Scientist
- 13 2346 Valdez Street 1909-10 Newsom Apartments
- 14 2735 Webster Street 1924 Howard Automobile-Dahl Chevrolet Showroom

#### 15 315 27th Street 1964 Biff's Coffee Shop

- 16 2335 Broadway 1920 Dinsmore Brothers Auto Accessories Building
- 17 2343 Broadway 1924-25 Kiel (Arthur) Auto Showroom
- 18 2345 Broadway 1920 J.E. French Dodge Showroom
- 19 2366-2398 Valley Street 1936 Art Deco Warehouse
- 20 440-448 23rd Street 1919 Elliot (C.T.) Shop Valley Auto Garage

Page 67

AN "AUTHENTIC" OAKLAND PLACE

Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives retail and mixed use district.

page 80

Policy CD-3.16

New development will be encouraged to protect and reuse many of the area's distinctive historic buildings.

PP 70-71

LAND USE

.... GOAL LU-11: Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district.

Page 73

**IMPLEMENTATION** 

GOAL IMP-4: A policy and funding strategy that facilitates the development of housing in the planning area that is affordable to a cross-section of the community.

GOAL IMP-5: A combination of incentives, regulation, preserve and re-use historic resources in the Plan Area.

Page 75

Policy LU-8.7

The Triangle will establish an identity as a unique, Oakland shopping district by integrating new high-quality buildings with attractively renovated and re-purposed historic buildings.

Page 77

Policy LU-10.7

Establish development regulations that implement recommended height zones while being responsive to surrounding context by providing appropriate transitions between buildings of diff erent scales, maintaining a consistent scale at street frontages, and **respecting historic buildings** and public open spaces.

Page 80

Policy CD-3.16

New development will be encouraged to protect and reuse many of the area's distinctive historic buildings.

Page 87

Policy IMP-5.1

The City will pursue developing a package of incentives that will **encourage landowners and developers to renovate and/or adaptively reuse historic buildings**, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- · Facade Improvement Grants:
- · Facade Easements;

- · Transfer of Development Rights (TDR);
- · Extension of the California State Historical Building Code (SHBC);
- · Reduced Fees and Expedited Development Review;
- Federal Historic Tax Credits;
- Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program);
- · Mills Act (Property Tax Abatements); and
- · Relief from Code Requirements.

#### Page 106

#### Policy LU-8.7

The Triangle will establish an identity as a unique, Oakland shopping district by integrating new high quality buildings with attractively renovated and re-purposed historic buildings.

To be successful, the Triangle must create a strong retail identity and presence that can establish the area as an attractive and competitive destination within the region. In order to strengthen the area's retail identity and create a vibrant retail environment, the Triangle area will feature street-oriented retail in an attractive pedestrian oriented environment that includes active sidewalks and safe and attractive public spaces. Designated areas within the core of the Triangle will be required to have active, street-fronting retail and complementary dining and entertainment on the ground-level. In addition to promoting a strong component of local, non-chain retailers, the intent is that the Triangle will maintain an identity as a unique shopping district with an authentic Oakland character. In an effort to maintain an authentic local character, the Plan promotes the integration of high-quality new buildings with renovated and repurposed historic buildings. In this way, the Triangle will continue to be perceived as an authentic Oakland "place"—not a generic shopping center that could be anywhere.

#### Page 117

· Historic Preservation: The Plan Area's historic resources can be a key element in creating a unique identity and sense of place for the area. In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order to build a residential project. A CEQA Historic Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential. The reuse of the Plan Area's garages, showrooms and other older buildings can contribute to the authentic character and architectural richness of neighborhood, as well as minimizing energy and resources expended on their demolition and replacement. Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource will not be required to provide new parking or open space to convert from a commercial to residential use or vice versa. Also, if a PDHP or a CEQA Historic Resource is incorporated as part of a larger project the area that is incorporated will be exempt from parking and open space requirements.

#### Page 119

#### 4.4.8 HISTORIC RESOURCES AND PRESERVATION STRATEGIES

GOAL LU-11: Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district.

#### Page 125

• A visually and aesthetically distinctive identity that integrates the area's historic buildings with quality contemporary design to maintain a link to the area's social, cultural and commercial heritage; and

#### Page 126

#### 5.2.2 VALDEZ TRIANGLE DESIGN CONCEPT

The Valdez Triangle is envisioned as a vibrant pedestrian oriented shopping district that will be a retail destination for Oakland residents and the broader East Bay. In order to successfully attract shoppers, residents, and workers to the area, the Triangle's design must not only be accommodating, but memorable. The Plan calls for destination retail and a mix of complementary supporting uses, including housing, with attractively designed and generously proportioned sidewalks, plazas and public spaces, animated by active storefronts, in a mix of restored and reused historic buildings and new contemporary architecture.

#### Page 153

· A Mix of Old and New: In addition to distinctive new architecture, the Plan promotes the adaptive re-use and re-purposing the existing inventory of historic buildings to maintain a connection to the area's past and contribute to a rich and varied architectural vocabulary. The creative and sensitive integration of old and new will enrich the Plan Area's identity and contribute to a sense of authenticity that is too often missing in retail districts.

#### Page 162

#### 5.4.4 HISTORIC PRESERVATION AND ADAPTIVE REUSE

The preservation and adaptive reuse of the Plan Area's inventory of historic and older buildings is an important strategy for preserving a distinctive identity that has its roots in the area's history.

#### **VALDEZ TRIANGLE**

Policy CD-3.16

New development will be encouraged to protect and re-use many of the area's distinctive historic buildings.

The Triangle has a quite diverse collection of older buildings, some that are designated historic resources, some that contribute to a designated ASI, and some that have distinctive character but do not qualify as historic or contributing resources. These buildings include churches, small multifamily buildings, Victorian and bungalow style residential buildings, and automotive garages and showrooms. In addition to designated resources (Figure 2.7), the Triangle also includes two Adaptive Reuse Priority Areas, one along 24th Street and the other along Harrison Street.

The urban design strategy in the Triangle will be a balancing act that promotes the protection and reuse of many of the area's historic building resources, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle.

The precedent photos on the facing page illustrate a number of diff erent examples of how to adapt and reuse older buildings for new uses. Figures 5.14-5.17 illustrate two fundamental approaches to adaptive reuse, using the existing garage at 24th and Webster streets as an example. The first approach works primarily with the existing structure with a focus on restoring historic character and details and making modest changes to accommodate proposed uses (e.g., replacing garage doors with pedestrian entries, removing signage to expose original windows, etc.). The second approach incorporates the first, but also explores how to add onto the existing building by developing vertically to expand the range of uses and site capacity.

#### Page 265

#### 8.5 HISTORIC PRESERVATION IMPLEMENTATION STRATEGY

GOAL IMP-5: A combination of incentives, regulation, and funding assistance to incentivize developers topreserve and re-use historic resources in the Plan Area.

#### 8.5.1 HISTORIC PRESERVATION OBJECTIVE

To explore and adopt preservation funding sources, incentives, and/or strategies to promote preservation and adaptive reuse in the Plan Area. Historic preservation and adaptive reuse are encouraged, and involve issues different from new development. Implementation of incentives, strategies and regulations should enhance economic feasibility for preservation and avoid unnecessary regulatory procedures in order to encourage property owners to initiate preservation activities.

# 8.5.2 POTENTIAL FUNDING SOURCES, INCENTIVES AND STRATEGIES Policy IMP-5.1

The city will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies should include the following:

- Facade Improvement Grants;
- Facade Easements:
- Transfer of Development Rights (TDR);
- Extension of the California State Historical Building Code (SHBC);
- Reduced Fees and Expedited Development Review;
- Federal Historic Tax Credits;
- Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plague program);
- Mills Act (Property Tax Abatements); and
- Relief from Code Requirements.

Historic preservation and adaptive reuse projects can involve issues different from new development. While City resources are limited, the City should explore incentives to promote preservation and adaptive reuse in the Plan Area. The following represent some programs and strategies that will be pursued:

#### **FACADE IMPROVEMENT GRANTS**

The City will pursue reestablishment of a Facade Improvement Grant Program to encourage the reuse of eligible buildings specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail). Grants could be awarded on a 'dollar for dollar' basis for qualifying physical investments that improve the physical appearance of the facade and retain architectural features.

#### Page 266

#### **FACADE EASEMENTS**

The City will pursue establishment of a Facade Easement Program to encourage the preservation of building facades in perpetuity. A special façade easement program, to be overseen by the City, could be established for the planning area to recognize facades of significance particular to the Area. Applicants would have to demonstrate through architectural drawings that their proposed development would preserve distinctive features of the building.

#### TRANSFER OF DEVELOPMENT RIGHTS (TDR)

The City will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area. This would allow for the transfer of unused development rights from eligible properties within the Adaptive Reuse Priority areas to elsewhere in the Plan Area vicinity. Applicants would have to demonstrate through architectural drawings that their proposed reuse development preserves distinctive features of the building.

#### EXTENSION OF THE CALIFORNIA STATE HISTORICAL BUILDING CODE (CHBC)

The California State Historical Building Code (CHBC) is intended to help save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and

adaptively reusing historic or otherwise eligible buildings. The CHBC provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a "qualified historical building or structure" (Health and Safety Code, Division 13, Part 2.7, Sections 18950-18961). The local jurisdiction has jurisdiction over the enforcement of the Code. Currently, Local Register properties in Oakland qualify for the CHBC. Regulations within the CHBC could be extended to all other identified historic structures in the Plan Area in order to provide guidance in quality adaptive reuse of buildings.

#### REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

The City will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

#### DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS

Eligible properties could be granted relief from potentially financially burdensome requirements as required in the Oakland development code. These might include parking, open space, and impact fees. The City will pursue development incentives which could include, but not be limited to, flexibility in development standards, and height and density bonuses.

#### MILLS ACT (PROPERTY TAX ABATEMENTS)

The City should continue to promote its Mills Act property tax abatements in exchange for property owners agreeing to repair and maintain the historic character of their property. The Mills Act is a contractual agreement between property owners and the City to receive reduced property taxes.

#### C12

2.3.1 BUILDING MASSING AND SCALE It is important that future buildings are designed so that their scale and massing does not overwhelm the public realm and make it unattractive or inhospitable. Large buildings can be attractive and dramatic, yet still preserve a pedestrian scale at street level. They do not have to be monolithic or imposing. There are many design techniques for adding visual interest and mitigating a building's apparent bulk and scale. The following guidelines seek to ensure integration of new buildings into the existing character of the area, while allowing for more intense development and taller buildings. New buildings and additions should reinforce the historic pattern with setbacks and upper-level step-backs oriented to the many existing low to mid-rise buildings.

#### 2.3.12 HISTORIC RESOURCES

The Plan Area's inventory of buildings that were developed in the late 19th and early 20th century is an important resource that contributes to the area's historic character and distinctiveness. The vision for the Plan Area is to preserve and integrate this inventory of historic buildings with new development to create an urban environment that addresses the needs of the present while maintaining a tangible link to the area's past. New buildings should be sensitive to the historic scale and character of the existing buildings.

DG 119. Complement to Historic Resources. New buildings developed within historic districts or adjacent to historic buildings should seek to complement the existing historic and architectural character of the area, while also seeking to be recognized as products of their own time. Consider how the style, massing, rhythm, setbacks and material of new development may affect the character of adjacent resources. Reinterpret character elements to complement historic resources, without replicating.

DG 122. Complement and Reinforce Architectural Details. The architectural details of new buildings within historic districts or adjacent to historic buildings should relate to existing buildings. Such details may include lintels, cornices, arches, masonry patterns, and interior trusses. Since there is such a large variety of styles and details within the historic districts in the Plan Area, new development must specifically consider adjacent properties.

DG 123. Building Form. The form and shape of new buildings within historic districts or adjacent to historic buildings should be compatible with existing resources. The degree to which a new building is simple or complex in form and shape should be determined by the architectural character of the area. Given the prevalence of automobile-related garages and showrooms with fairly simple forms, new buildings should generally reflect that simplicity. However, even when adjacent to buildings with more complex forms (e.g. Queen Anne and other Victorian styles), the preferred design approach should be for new buildings to defer to existing structures rather than trying to compete in terms of formal complexity.

**DG 124.** Adaptive Reuse. Retain and integrate historic and architecturally significant structures into larger projects with adaptive reuse. The following guidelines address the distinguishing architectural characteristics that should be responded to in the Plan Area's Area of Primary Importance (API) and Areas of Secondary Importance (ASI).

When adapting or altering historic resources, the following is recommended:

- Working within the existing building envelope is recommended. Where additions are desired, they should generally be located on a secondary or rear facade. Or, if they are rooftop additions, they should be set back from the primary facade and should not interfere with the building's roofl ine.
- Follow the Secretary of the Interior's Standards for Rehabilitation when adapting and altering historic resources.
- Retain and repair historic materials or covering historic architectural details with cladding, awnings, or signage.
- Identify, retain, and preserve architectural materials and features that are important in identifying historic character.
- Use historic photos, when available, to inform rehabilitation.
- Use materials and colors that complement the historic character of the property.
- Consider consultation with a preservation architect to ensure renovations are compatible.
- Consult with City's historic preservation staff.



January 20, 2016

Oakland Planning Commission Pete Vollmann

Dear Commissioners and Staff.

Please do not certify the addendum to the Broadway Valdez EIR. The analysis of cultural resources is insufficient, inadequate, and comes to wrong conclusions. Here are specific comments to the CEQA Analysis:

The previous EIR was certified over our objections, and seemed to take special care to avoid proper care with the historic midcentury building that housed Biff's.

- 1. We object to the assumption that Mitigation Measure CUL-1a cannot be invoked to spare the building. (CEQA Analysis, page 27)
- 2. We note a misspelling at page 28 of CEQA Analysis. While we find that Recordation is a valuable thing in itself, it is inadequate to mitigate the damage, as stated at top of page 29..
- 3. Any "Public Interpretation" should make use of authentic materials from the actual structure, not mere plaques, displays, and signage. Please consider retaining some elements for such reuse. Authentic remnants would be better than plaques. (page 28 of CEQA Analysis)
- 4. Financial contributions (page 29 of CEQA Analysis) should be adjusted upward, and at least allow for the 14% or so inflation since the estimating formulae were created.
- 5. We disagree with the assumption that CUL-5/CUL-1 are necessarily infeasible (Page 29, CEQA analysis). We believe the reports have been prejudiced to create infeasibility and are not entirely objective. We believe that an on-site relocation would still leave room for the entire Hanover program and still preserve the key elements of the structure.
- 6. At SCA-CUL-3 we believe that indeed a distant site for relocation is infeasible. This mitigation should be rewritten to show an effort at on-site relocation. We reject this condition of approval is useless and not worth the investment. Better to take any funds that would be so expended and add them to other mitigation measures.
- 7. At SCA Mitigation Measure CUL-1, we reject the infeasibility argument for relocation onsite (p. A-11)
- 8. At Mitigation Measure CUL-1 (c) another typo. Again, public interpretation should make use of authentic materials from the resource itself, not plaques.
- 9. At Mitigation Measure CUL-1 (d), we would like the amount of any financial contribution to be revisited. Consider whether such contribution could be directed to be used to preserve other midcentury retail structures or facades in Oakland. (For example, the facade of the KwikWay on Lake Park, the hamburger stand at 21st and Telegraph, or Dave's Coffee Shop, all buildings which are from the same approximate era.) (Page A-13)
- 10. We question the conclusions in the Historical Mitigation Compliance at page 2, Options 1-3. Although a developer may be inflexible in design and planning, this is not enough reason to give up on a cultural resource. The proposed design is not superior; therefore, the options should be much more seriously considered, and on-site relocation should be seriously looked at.

- 11. We believe that the building owners have executed a demolition by neglect, and that this should be noted in the HMCA report (page 4). Oakland should not encourage this form of demolition of historic resources, as it creates a path to make an end-run around our Historic Preservation Element of the General Plan. Where demolition by neglect occurs, it should be penalized rather than rewarded.
- 12. Page 5-6 (HMCA). Generally, we agree that Biff's IS a historic resource.
- 13. Page 7-8 (HMCA). Our understanding is that interiors are not generally covered under the historic preservation standards in Oakland, unless specifically identified and called out in a nomination. Therefore, the condition of terrazzo and interior finishes, booths, pendants, etc. should not come into a determination of its integrity.
- 14. At Page 10 of HMCA, we disagree that the project adheres to the design guidelines, which specify compatibility with the historic setting, and a mixture of historic and new construction which preserves a sense of place (see ample citations in our other letter). The project appears to violate a number of the guidelines calling for a well-integrated pattern of new and old.
- 15. (Pages 13-18) Again, we object to the mitigation strategies analysis and how they are handled. It is clear that it is not the feasibility, but the unwillingness of the developer that leads to the proposed demolition of this historic resource. We particularly point to the aging of the BV Specific Plan as a problem. Developers seek to build housing. The city requires retail. The result is an overly crowded site as the developer tries to build housing but must cough up retail square footage in order to gain this permission. The unintended consequence is the destruction of historic buildings and the destruction of the very sense of place that is so frequently mentioned in the BV Specific Plan. Better would be to recommend some alteration to the Specific Plan.
- 16. At page 18, there's a typo "ad" for "and" which appears in several places.
- 17. At page 19, under CUL-1c we recommend use of authentic elements of the structure, not plaques and displays, as more appropriate, more longlasting, and more interesting. We disagree that recordation reduces impacts much.
- 18. At CUL-1(d) we question the formula, which has not been updated even though there has been an increase in construction costs and about 14% inflation since these formulae were created. There should be an additional amount assessed as a disincentive to other owners to execute demolition by neglect.
- 19. Page 21, we urge you not to spend money on advertising an admittedly unlikely relocation. Please reallocate an equivalent sum either to an on-site relocation, to retention of the building, or to the city's extant facade improvement program.
- 20. As to the Page & Turnbull report, we repeat that the feasibility of reuse should not depend upon interior condition where the interior is not considered a major feature of a historic resource.

Thank you for your consideration of these comments to the CEQA analysis. We believe the Planning Commission should not certify this environmental document.

Sincerely.

Alison Finlay President

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# OFFICE OF THE CITY COUNCIL OAKLAND

Ment	P-Wale
	City Attorney

2016 MAR 24	PARESOLUTION NO.	 C.M.S.	
	Introduced by Councilmember	 	

A RESOLUTION DENYING AN APPEAL BY FRIENDS OF BIFF'S AND THUS UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF A PROPOSAL TO DEMOLISH THE EXISTING, VACANT STRUCTURE (FORMERLY BIFF'S COFFEE SHOP) AND CONSTRUCT 255 DWELLING UNITS OVER APPROXIMATELY 37,000 SQUARE FEET OF RETAIL LOCATED AT 2630 BROADWAY, OAKLAND CA (PROJECT CASE NO. PLN15-241), INCLUDING ADOPTING CEQA EXEMPTIONS (15183 & 15183.3) AND ADDENDUM (RELYING ON THE PREVIOUSLY CERTIFIED 2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN EIR).

**WHEREAS**, the project applicant, The Hanover Company, filed an application on July 21, 2015, to demolish the existing vacant restaurant building and to construct a 255 unit residential condominium building over approximately 37,000 square feet of ground floor retail at 2630 Broadway (Project); and

WHEREAS, the Landmarks Preservation Advisory Board (LPAB) considered the historic aspects of the Project at a duly noticed public meeting on October 12, 2015; and

**WHEREAS**, the Design Review Committee of the Planning Commission considered the design review aspects of the Project at a duly noticed public meeting on December 9, 2015; and

**WHEREAS**, the City Planning Commission took testimony and considered the project at its duly noticed public meeting of January 20, 2016. At the conclusion of the public hearing, the Commission deliberated the matter and voted (5-1-0) to approve the Project; and

**WHEREAS** on January 29, 2016, an appeal of the Planning Commission's approval and a statement setting forth the basis of the appeal was filed by Joyce Roy on behalf of Friends of Biff's; and

**WHEREAS**, after giving due notice to the Appellant, the Applicant, all interested parties and the public, the Appeal came before the City Council for a public hearing on April 5, 2016; and

**WHEREAS**, the Appellant, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

**WHEREAS**, the public hearing on the Appeal was closed by the City Council on April 5, 2016; now, therefore be it

**RESOLVED**: That, the City Council hereby independently finds and determines that the requirements of the California Environmental Quality Act (CEQA) of 1970, as prescribed by the Secretary of Resources, and the City of Oakland's environmental review requirements, have been satisfied, and, the adoption of this resolution is exempt from CEQA pursuant to CEQA Guidelines Section 15183 and/or Section 15183.3; and furthermore none of the factors requiring further CEQA review are met and the City can rely on an Addendum to the previously Certified 2014 Broadway Valdez District Specific Plan EIR, pursuant to CEQA Guidelines section 15162-15164, each of the foregoing provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED**: That, the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence already contained in the record before the City Planning Commission that the Commission's decision on January 20, 2016 was made in error, that there was an abuse of discretion by the Planning Commission or that the Commission's decision was not supported by substantial evidence in the record, based on the January 20, 2016 Staff Report to the City Planning Commission and the April 5, 2016, City Council Agenda Report hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Department's CEQA Determination is upheld, based upon the January 20, 2016 Staff Report to the City Planning Commission and the April 5, 2016, City Council Agenda Report, each of which is hereby separately and independently adopted by this Council in full; and be it

**FURTHER RESOLVED:** That, in support of the Planning Commission's decision to approve the Project, the City Council affirms and adopts the January 20, 2016 Staff Report to the City Planning Commission (including without limitation the discussion, findings, conclusions and conditions of approval each of which is hereby separately and independently adopted by this Council in full), as well as the April 5, 2016, City Council Agenda Report, (including without limitation the discussion, findings, conclusions and conditions of approval, each of which is hereby separately and independently adopted by this Council in full), except where otherwise expressly stated in this Resolution; and be it

**FURTHER RESOLVED**: That, the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Exemption and Notice of Determination with the appropriate agencies; and be it

**FURTHER RESOLVED:** That, the record before this Council relating to this application and appeal includes, without limitation, the following:

- 1. the application, including all accompanying maps and papers;
- 2. all plans submitted by the Applicant and his representatives;
- 3. the notice of appeal and all accompanying statements and materials;

- 4. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation and all related/supporting final materials, and all final notices relating to the application and attendant hearings;
- 5. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the appeal; and all written evidence received by relevant City Staff before and during the public hearings on the application and appeal;
- 6. all matters of common knowledge and all official enactments and acts of the City, including, without limitation (a) the General Plan; (b) Oakland Municipal Code (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** That, the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Department of Planning & Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, 2114, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, CA; and be it

**FURTHER RESOLVED:** That, the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:	
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUIL GIBSON MCELHANEY	LEN, KALB, KAPLAN, REID, AND PRESIDENT
NOES -	
ABSENT -	
ABSTENTION -	ATTEST:
	LaTonda Simmons City Clerk and Clerk of the Council of the City of Oakland, California